



Title:	Code of Ethical Practices Policy
Policy Area:	Operations – Human Resources
Policy Number:	E.2.5
See also: (related policies)	<i>Discrimination, Bullying and Harassment Policy</i> <i>Sexual Violence and Misconduct Policy</i> <i>Post-Employment Restrictions for Senior Executives Policy</i> <i>Protection of Privacy Policy</i> <i>Violent and Threatening Behaviour Policy</i> <i>Faculty Association Collective Agreement</i> <i>BCGEU Support Staff Collective Agreement</i> <i>BCGEU Vocational Instructor Collective Agreement</i>

Effective Date of Policy:	March 31, 2021
Approval Date:	March 30, 2021
Applies to:	Employees of Okanagan College
Approving Body:	Board of Governors
Supersedes or New:	Code of Ethical Practices, November 6, 2014; Code of Ethical Practices, August 18, 2008
Authority:	College and Institute Act

The following are responsible for the administration of this policy

Primary Office:	Contact:
Vice President, Employee and Corporate Services	Executive Assistant to the Vice President

1. Policy Statement

- 1.1. Okanagan College provides a workplace that supports excellence in education and an environment in which employees are proud to work. To contribute to these goals, all employees of Okanagan

College are accountable for their actions and must act in an honest, ethical and professional manner at all times.

2. Purpose

- 2.1. The purpose of the Code of Ethical Practices Policy is to set out the principles and standards of ethical conduct expected of all employees of the College.

3. Scope

- 3.1. This policy applies to all employees of the College. Employees are responsible for making themselves aware of, understanding and complying with all College policies and are expected to seek clarification where necessary. Normally, the employee's Supervisor will be responsible for providing guidance on a policy in response to an employee's question.
- 3.2. This policy will not interfere with the rights and obligations specified in collective agreements governing bargaining-unit employees of the College, and where there is an inconsistency between a collective agreement and this policy, the collective agreement terms shall prevail to the extent of the inconsistency.

4. Definitions

- 4.1. For the purposes of this policy, the following definitions apply:
 - a) **"Confidential Information"** means information disclosed to, used by, developed by, or made known to an employee in the course of their employment that is not generally known by persons outside the College. It includes, but is not limited to, personal information pertaining to the College's employees (past, present and potential new employees); student personal information; operations; practices; facilities; technology; research; marketing methods or strategies; finances; inventions; routines; etc.;
 - b) **"Conflict of Interest"** means any situation where an employee has Personal Interests, whether direct or indirect, that are in conflict, potentially in conflict or could result in the reasonable perception of a conflict, with the interests of the College. This includes, but is not limited to, situations where the independence, impartiality and objectivity the employee is obliged to exercise in the performance of their duties and responsibilities could be compromised. A Conflict of Interest can occur in three ways:
 - 1) an actual conflict of interest refers to a situation where an employee takes some action or exercises a power or performs a duty or responsibility, and in doing so, there is the opportunity to further the employee's Personal Interests;
 - 2) a potential conflict of interest refers to a situation where an employee's Personal Interests could influence the exercise of the employee's actions, power or performance of their duties or responsibilities to the College;
 - 3) a perceived conflict of interest refers to a situation where an informed person might reasonably hold an apprehension that a conflict of interest exists on the part of the employee in relation to a Personal Interest. A perceived conflict of interest is determined by the perception of a reasonable person (a hypothetical member of the public) who is reasonably well informed;

- c) **“Gift(s)”** means kickbacks, favours, meals, entertainment, privileges or other similar services of value greater than \$250.00 or a Gift less than \$250.00 which may compromise, or appear to compromise, the objectivity of the employee in the performance of their duties to the College;
- d) **“Personal Interest”** means a personal, private or financial interest (including any real or tangible benefit, direct or indirect pecuniary or economic interest or advantage) that benefits an employee or a Related Party;
- e) **“Related Party(ies)”** means a person who is:
 - related to the employee by blood, adoption, marriage or common-law marriage;
 - a close personal friend of the employee;
 - living in the same dwelling or household as the employee of the College;
 - in a romantic or intimate (including, but not limited to, sexual) relationship with the employee within the previous five (5) years; or
 - shares a Significant Financial Interest, either directly or indirectly, with the employee;
- f) **“Significant Financial Interest”** is any interest substantial enough that decisions of the College could result in a personal gain for the employee or a Related Party;
- g) **“Student”** means a person the Registrar recognizes to be enrolled in a course or program at the College; and
- h) **“Supervisor”** for a non-Leadership Team member means a Dean, Director, Regional Dean or Registrar responsible for that employee’s department/program area. For a Leadership Team member, Supervisor means their direct supervisor.

5. Standards of Conduct

- 5.1. The effective and efficient operation of the College relies on employees fulfilling their roles and responsibilities with the highest standards of conduct and professionalism.
- 5.2. Employees are expected to encourage and maintain a positive learning and working environment for students and other employees.
- 5.3. Employees have a duty to be responsible for the welfare of the College and accordingly, employees must not allow their Personal Interests to conflict, or appear to conflict, with their duties and responsibilities at the College.
- 5.4. Employees of the College must:
 - a) devote all their time and attention, and provide their best efforts, skills and talents, to the business of the College during the employee’s working hours;
 - b) faithfully, diligently and honestly perform their duties and responsibilities;
 - c) ensure their conduct and language reflect social standards of courtesy, dignity, trust and respect;
 - d) act with care and in a prudent and diligent manner, and keep themselves informed of the policies, business and affairs of the College;
 - e) avoid creating the impression of speaking or acting on behalf of the College when they speak or act as private persons;

- f) ensure that their interactions and relationships with Students, co-workers and any other individual who deals in any way with the College are appropriate at all times; and
- g) not plagiarize and must properly acknowledge authorship of materials, including situations where the work has not been explicitly protected by copyright.

5.5. Employees are expected to act in a prudent and diligent manner and must:

- a) provide services within the boundaries of their competence, based on their education, training, professional experience and professional development;
- b) truthfully and accurately represent their qualifications, educational backgrounds, experience and professional credentials;
- c) ensure that Confidential Information is protected from unauthorized access, use and disclosure, and otherwise maintain the confidentiality of the affairs and dealings in the College; and
- d) conduct their work 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 an improper attitude towards compliance. If in doubt, employees are expected to ask for clarification from their Supervisor.

6. Confidential Information

- 6.1. In the course of employment or performing their duties, employees may be given access to or become aware of Confidential Information of the College or of a third party who has disclosed such information to the College.
- 6.2. Employees are expected to maintain the confidentiality of such Confidential Information, in whatever form and however stored or transmitted, and to protect such information from loss, theft or misuse.
- 6.3. Employees shall not disclose or use Confidential Information gained by virtue of their association with the College for personal gain, personal benefit or to benefit a Related Party or associates.
- 6.4. If in doubt regarding what is considered Confidential Information, employees shall seek guidance from their Supervisor.

7. Conflict of Interest

- 7.1. In general, a Conflict of Interest exists for employees who use their position at the College to pursue or advance a benefit for themselves, a Related Party or a person to whom the employee owes an obligation.
- 7.2. All employees:
 - a) are required to disclose an actual, potential or perceived Conflict of Interest at the earliest possible opportunity to their Supervisor (see [Disclosure](#) section below);
 - b) shall perform their duties and responsibilities, and act in such a manner as to avoid any actual, potential or perceived Conflict of Interest. The interests of the College shall always prevail where an employee is in a situation of Conflict of Interest or perceived Conflict of Interest, or where the personal interest of a Related Party places an employee in a situation of an actual, potential or perceived Conflict of Interest;

- c) shall avoid any situation in which there is an actual, potential or perceived Conflict of Interest that could interfere with the employee's judgment in making decisions in the best interest of the College. Where an employee is in doubt about whether a particular set of circumstances may give rise to an actual, potential or perceived Conflict of Interest, the employee should discuss the situation with their Supervisor; and
 - d) are encouraged to report to their Supervisor any situation an employee believes could be a Conflict of Interest involving another employee of the College that has not been reported. If the potential Conflict of Interest involves a romantic or sexual relationship with a Student, the employee is required to report it to their Supervisor.
- 7.3. Where an actual, potential or perceived Conflict of Interest is disclosed, the College will take steps to determine whether a Conflict of Interest exists and, if so, implement measures to avoid or manage the Conflict of Interest.
- 7.4. The following sections are a non-exhaustive list of examples that illustrate situations that are usually considered to create an actual, potential or perceived Conflict of Interest. These sections include:
- A. Relationships with Students;
 - B. Workplace Relationships;
 - C. Accepting or Giving Gifts or Other Complimentary Items;
 - D. Conflict of Interest Concerning Employee Personal Interests;
 - E. Outside Business Interests;
 - F. Outside Remuneration; and
 - G. College Tools, Equipment, Supplies and Goods.
- A. Relationships with Students**
- A.1 At all times, employees are required to act in a fair, objective, professional and unbiased manner in their dealings with Students.
- A.2 There is an inherent power imbalance between employees and Students (in particular employees in instructional positions). Any employee who has a direct or indirect influence, input or significant decision-making power over a Student regarding:
- a) marks;
 - b) discipline;
 - c) other academic interests; and/or
 - d) other College related matters;
- must not become involved in a business, financial, or a personal relationship (including, but not limited to, romantic or sexual) with a Student for the duration of their professional, supervisory, evaluative or potential influence-making role without first disclosing and resolving the Conflict of Interest (see Disclosure section below).
- A.3 The potential for a Conflict of Interest still exists even if the business, financial or personal relationship with a Student starts soon after the instructional, evaluative or supervisory role concludes. For example, if the Student's marks are not completed and submitted, or any other evaluative or supervisory decisions are pending.

- A.4 An employee's current or past (within 5 years) business, financial, or personal relationship, including a romantic or sexual relationship, with a Student constitutes an actual, potential or perceived Conflict of Interest and must be promptly disclosed to the employee's Supervisor.
- A.5 Employees are strongly discouraged from commencing any consensual romantic or sexual relationship with a Student. If such a relationship develops, it may raise concerns of, among other things:
- a) harassment (including sexual harassment);
 - b) the creation of favouritism and bias;
 - c) actual, potential or perceived Conflict of Interest; and
 - d) impairment of the integrity and trust required to maintain the academic/work relationship with that Student and/or with other Students.
- A.6 Employees should be aware that others may perceive their behaviour differently than was intended when it comes to Students. Interactions that are perceived as informal and personal may make Students feel uncomfortable and may lead them to question the employee's intent. The following non-exhaustive list of behaviours may be perceived differently than the employee intended and may even constitute harassment (including sexual harassment):
- a) a social invitation to an individual Student (e.g. for dinner, coffee or drinks);
 - b) commenting on a Student's dress or appearance;
 - c) an invitation to an individual Student to the Employee's home;
 - d) requesting an individual Student to do a task of a personal nature;
 - e) a gift;
 - f) a proposal to share accommodation;
 - g) personal questions or disclosures;
 - h) connecting privately on social media (e.g. Facebook); and
 - i) physical contact of any kind that is not part of the training requirement in the program (e.g. nursing, dental).
- A.7 When in doubt about a particular situation, the employee should discuss it with their Supervisor and follow the steps in the Disclosure section.
- A.8 For more information, see the document at this link: [Questions & Answers – Relationships Between Employees and Students](#). This is an information document and does not form part of this policy.
- B. Workplace Relationships**
- B.1 Employees must disqualify themselves as participants in employment decisions when their objectivity could be compromised for any reason. Employees who engage in workplace relationships should be aware of their professional responsibilities and are responsible for ensuring that the relationship does not raise concerns regarding an

actual, potential or perceived Conflict of Interest, abuse of power, harassment, favouritism or bias.

- B.2 When in doubt as to whether a workplace relationship may create an actual, potential or perceived Conflict of Interest, the employee should err on the side of disclosure and discuss the situation with their Supervisor and follow the steps in the Disclosure section.
- B.3 Two or more employees who constitute Related Parties are prohibited from being employed in situations where:
 - a) a reporting relationship exists where one of the employees has influence, input or decision-making capacity over another employee in relation to their work, remuneration or similar employment-related matters; or
 - b) the relationship may compromise, or appear to compromise, the objectivity between the employees or would have a detrimental effect on the College.
- B.4 Employees are required to disclose all workplace relationships involving a Related Party to their Supervisor.

C. Accepting or Giving Gifts or Other Complimentary Items

- C.1 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.
- C.2 To ensure the College's image and integrity in the community, employees are prohibited from requesting, accepting or giving gifts intended to unfairly influence (or that may give the appearance of unfairly influencing) a decision concerning College affairs.
- C.3 Employees and Related Parties shall not request or accept Gifts that create or appear to create a favoured position for doing business with the College.
- C.4 Similarly, no employee shall offer or give Gifts in order to secure preferential treatment for themselves or a Related Party.
- C.5 Under no circumstances shall employees offer or receive cash, loans or commissions in exchange for preferential treatment. Any employee experiencing or witnessing such an offer shall report the incident to their Supervisor immediately.
- C.6 Notwithstanding the above, gifts may be accepted or offered by employees in the normal exchanges common to, and generally accepted in, established business relationships. An exchange of gifts must not create a sense of obligation. Employees should note the following with respect to accepting or offering gifts:
 - a) employees are prohibited from accepting or offering unlawful gifts;
 - b) when in doubt as to whether to accept or offer a gift, the employee should err on the side of caution and discuss the situation with their Supervisor in order to gain approval or be given other advice.
- C.7 Any gift received by an employee shall be returned to the donor if the Gift does not comply with the requirements of this policy.

D. Conflict of Interest Concerning Employee Personal Interests

- D.1 Employees must not use their position, office affiliation, or College property to pursue Personal Interests.
- D.2 Employees must ensure that no Conflict of Interest exists between their Personal Interests, and the execution of their duties or responsibilities to the College or the operations of the College. When commencing employment with the College, employees shall arrange their private affairs in a manner that will prevent any Conflicts of Interest from arising, or if such re-arranging is not possible, the Conflict of Interest must be disclosed to their Supervisor.
- D.3 In the performance of their duties, employees must not give preferential treatment to Related Parties, organizations or other entities in which the employee, or Related Parties have a pecuniary, financial, business or other interest.
- D.4 Employees must exercise due care in the management of their private affairs so as to not benefit, or be perceived to benefit from, among other things:
- a) the use of College Confidential Information;
 - b) the College's employees, resources, intellectual property, materials, facilities or assets for Personal Interests or other matters unrelated to their employment with the College; or
 - c) any College transactions over which the employee can influence decisions (e.g., investments, borrowing, purchasing, sales, contracts, grants, discretionary approvals and/or appointments).
- D.5 Employees shall not, either directly or through Related Parties 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 that interest or securities.

E. Outside Business Interests

- E.1 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 their Supervisor.
- E.2 No employee shall hold a Significant Financial Interest, either directly or through a Related Party, nor 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 disclosed to the employee's Supervisor and a remedy has been developed and approved.
- E.3 These restrictions apply equally to interests in companies or institutions that may compete with the College in all of its areas of activity.
- E.4 Notwithstanding any outside activities, employees are required to act in the best interest of the College.

F. Outside Remuneration

- F.1 Employees may be invited by other colleges, institutions, businesses, government agencies, community groups, etc. to engage in remunerative employment outside their position at the College. The College allows this participation, providing that such ventures do not: disrupt College services, impact College operations, impose a financial burden on the College or create an actual, potential or perceived Conflict of Interest.
- F.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:
- a) it does not interfere with the performance of their duties as an employee;
 - b) it does not bring the College into disrepute and harm the College's reputation;
 - c) it does not represent a Conflict of Interest;
 - d) 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
 - e) it does not involve the use of College-paid time, or the College's premises, services, equipment, or supplies to which an employee has access by virtue of their employment with the College.

G. College Tools, Equipment, Supplies and Goods

- G.1 Employees are entrusted with the care, management and cost-effective use of the College's tools, equipment, supplies and other goods.
- G.2 Employees may not dispose of or purchase the College's tools, equipment, supplies and other goods except in accordance with approved policies and procedures established by the College.
- G.3 Employees may only use tools, equipment, supplies and other goods owned by the College, excluding vehicles and heavy equipment, with written approval from the employee's Supervisor and such use is limited to temporary, incidental personal use.
- G.4 Incidental personal use means infrequent and of short duration, that does not impact the College's operations and does not cause the College to incur any cost or inconvenience.

8. Disclosure

- 8.1. At the time of appointment or at any time during employment, an employee must disclose to their Supervisor any interests and relationships of which the employee is aware which will or may give rise to an actual, potential or perceived Conflict of Interest.
- 8.2. Full and timely disclosure under the policy enables the College and employee to manage and resolve a Conflict of Interest or unclear situation before any difficulty can arise.
- 8.3. If, at any time during the course of their employment at the College, an employee:
- a) perceives that their actions/activities may be deemed, by a reasonable person, as an actual, potential or perceived Conflict of Interest or an employee becomes aware of an actual, potential or perceived Conflict of Interest before or after an action/activity is complete;

- b) is concerned that another employee is in an actual, potential or perceived Conflict of Interest situation; or
 - c) is in doubt whether a situation involves an actual, potential or perceived Conflict of Interest; the employee shall disclose to their Supervisor the nature, facts and extent of their concern immediately upon becoming aware of the matter. However, if the situation involves their Supervisor or, for any reason the employee is not comfortable disclosing their concern to their Supervisor, then such disclosure shall be made to the Director, Human Resources or the Vice President responsible for the area where that employee works.
- 8.4. When a disclosure of an actual, potential or perceived Conflict of Interest is received, the Supervisor will consult and seek advice from other appropriate individuals within the College and externally as necessary. The Supervisor will develop measures to address or manage the Conflict of Interest. If the Supervisor determines it is appropriate, the Supervisor will consult with the employee to participate in the development of a remedy to the actual, potential or perceived Conflict of Interest.
- 8.5. A record of the disclosure of the actual, potential or perceived Conflict of Interest activity and the resolution shall be kept on the employee's personnel file.
- 8.6. If an employee may have been involved in an actual, potential or perceived Conflict of Interest activity and has failed to disclose such activity, the Supervisor will consult with the Director, Human Resources. The Director, Human Resources will take the necessary steps to investigate and determine if the employee has breached this policy and will make a recommendation to the employee's Supervisor and appropriate Vice President concerning a remedy, including possible disciplinary action.

9. Breach

- 9.1. Compliance with this policy is a term of employment for all employees.
- 9.2. An employee found to have breached their duty by violating this policy may be subject to discipline up to and including dismissal from employment. Disciplinary action shall be recorded and retained on the employee's personnel file.
- 9.3. A Supervisor who directs or approves of a violation of this policy, or who fails to report a violation, of which he or she has knowledge, may also be in violation of this policy.