

CODE OF CONDUCT

This document is the parent policy for any College procedures. Questions regarding this policy are to be directed to the identified Policy Owner.

Category:	Administrative
Policy Number:	A25
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Effective Date:	January 1, 2021
Policy Owner:	VP, Development & Strategy, in conjunction with the head of Human Resources

Objective:	<p>All Olds College employees, members, agents and contractors, including all members of the Board of Governors, and all employees in leadership positions are expected to conduct themselves with personal integrity, ethics, honesty and diligence in performing their duties for the College. Such individuals are required to support and advance the interests of the College and avoid placing themselves in situations where their personal interests actually or potentially conflict with the interests of the College.</p> <p>The Code is intended to officially identify general standards of ethical conduct for all Individuals, and to ensure that the private interests of any Olds College individual do not conflict, or appear to conflict, with his / her duties and responsibilities at Olds College. The policy, therefore, defines and addresses potential, actual and apparent conflicts of interest to avoid, prevent, reduce, and respond to incidents of conflict.</p>
Policy:	<p>1. POLICY STATEMENT & APPLICATION OF THE CODE OF CONDUCT</p> <p>The Code applies to all Individuals, who are defined by this Code as all Olds College employees, members, agents, and contractors, including all members of the Board of Governors, Board Chair and President and employees in leadership positions, including those designated pursuant to the <i>Conflicts of Interest Act</i>, as amended.</p> <p>1.1. The College expects that all Individuals will pursue high standards of personal conduct while on the College campuses or when participating in College organized or sanctioned events. The College reserves the right to apply the Code and policy to conduct off the campus where there is a real and substantial link to the College and where the conduct:</p> <p>1.1.1. Gives rise to a reasonable belief that the Individual's behavior posed a substantial danger to himself/herself or others in the College community:</p>

- 1.1.2. Gives rise to a reasonable belief that the behavior of the Individual could adversely affect the College's interests, reputation or graduates' credentials;
- 1.1.3. Adversely impacts learning activities, working activities, living environments and business relations of the College.

1.2. The Code is intended not to override or derogate from but to complement the College's regulations, policies, and procedures, as well as all College collective agreements and contracts, all laws and legal requirements, all professional codes with which Individuals must comply and all individual rights, including academic freedoms. Where the Code conflicts with any of such formal and official rules, obligations and rights, reasonably and objectively construed, the latter shall prevail.

1.3. In the case of student employees, a breach of either code of conduct (A25 or A38) may result in action taken under either or both policies. Such situations will be considered on a case by case basis by consultation between the head of Human Resources and the college Registrar.

1.4. As publicly funded institutions we recognize that the people of Alberta have a right to a public service which is conducted with impartiality and integrity. It is this special obligation to Albertans that demands that there not be, nor seem to be, any conflict between the private interests of employees and their duty to the public. At the same time, it is recognized that employees should enjoy the same rights in their private dealings as any other citizens, unless it can be demonstrated that a restriction is essential to the public interest.

2. SPECIFIC GUIDELINES

In accordance with its purpose, the Code prescribes standards of ethical conduct in several categories, including: impartiality; acting in self-interest; conflicts of interest; acceptance of gifts; concurrent employment; conduct towards others; personal conduct; conduct toward property, College assets and records; conduct toward animals and awareness and College community responsibility. These standards of ethical conduct are enshrined in the policies and procedures of the College. Individuals are expected to apply the following standards of ethical conduct to their personal conduct as follows:

2.1. Requirement to Act Impartially in Carrying out Duties

All Individuals must carry out their duties with impartiality at all times by:

- 2.1.1. Conducting themselves in an unbiased and neutral manner;
- 2.1.2. Acting with integrity in all College dealings;
- 2.1.3. Ensuring that their conduct does not conflict between their duties and any Private Interest.

2.2. Acting in Self-Interest or Furthering Private Interests

All Individuals are prohibited from acting in self-interest or furthering their Private Interests by virtue of their position or through the carrying out of their duties, including by:

- 2.2.1. Taking any and all reasonable steps to avoid situations in which they may be placed in a real or perceived Conflict of Interest between their Private Interests and the interests of the College;
- 2.2.2. Avoiding using their position to advance their Private Interests;

- 2.2.3. Avoiding, in the performance of their duties, providing preferential treatment to Direct Associates, relatives or friends or to a business, proprietorship, corporation or organization in which they or their relatives have an interest, financial or otherwise;
- 2.2.4. Avoiding breaches of Policy C04: Nepotism;
- 2.2.5. Having a shareholding interest in any private corporation (other than a corporation whose shares are publicly traded) which has a contract with the College under which money of the College is payable or may become payable, unless prior approval has been obtained from the appropriate Supervisor;
- 2.2.6. Marketing to further a Private Interest the results of College-sponsored activities except where a written agreement has been reached with the College through the appropriate Supervisor;
- 2.2.7. Using College facilities or resources to further a Private Interest unless authorized by the appropriate Vice President or his/her designate. For the purposes of this Code, College facilities or resources include College personnel, physical facilities, equipment, assets, computers, materials and supplies.

The **Board Chair** is required to comply with section 23.925 of the *Conflicts of Interest Act* and thus must not:

- 2.2.8. Take part in any decision in the course of carrying out his/her office or powers knowing that the decision might further a Private Interest of him/herself, a Direct Associate, or an immediate family member;
- 2.2.9. Use his/her office or powers to influence or seek to influence a decision to be made by or on behalf of the College to further his/her own Private Interest, the Private Interest of any Direct Associate or immediate family member, or to improperly further any other person's Private Interest;
- 2.2.10. Use or communicate information not available to the general public that was gained by the person in the course of carrying out his/her office or powers to further or seek to further a Private Interest of the person or any other person's Private Interest;
- 2.2.11. Fail to adequately or appropriately disclose a real or apparent Conflict of Interest, pursuant to Part 2.3 of this Code.

2.3. Disclosure of Real and Apparent Conflicts of Interest

All Individuals are required to ensure that their conduct does not conflict between their duties to the College, and their own Private Interest. Where an Individual believes that they may be in a position of an existing or potential Conflict of Interest (whether actual or perceived), the responsibility for declaring the Conflict of Interest rests with the Individual, in accordance with this section.

An apparent Conflict of Interest exists if there is a reasonable perception, which a reasonably well informed person could properly have, that the Individual's ability to exercise their duties may be affected by their Private Interest.

- 2.3.1. The Individual must provide written disclosure of any real or apparent Conflict of Interest to his/her Supervisor in advance of taking any action that may give rise to an actual or perceived Conflict of Interest, or immediately upon becoming aware of the potential or

actual Conflict of Interest. The Supervisor will conduct an assessment of the situation, in accordance with this section.

2.3.2. The Individual will refrain from any further participation in any potential or actual Conflict of Interest situation pending the assessment of his/her Supervisor.

2.3.3. A Supervisor will engage in an assessment of the Conflict of Interest to determine what further steps should be taken. The assessment should include the following:

2.3.3.1. The Supervisor shall receive, review and notify the Individual of the assessment of the disclosure in writing. In conducting the assessment, the Supervisor may consult with the Human Resources Department, as appropriate.

2.3.3.2. In conducting the assessment, the Supervisor will escalate the disclosure to the next level of supervision should there be a Conflict of Interest for him/her.

2.3.3.3. The person conducting the assessment will work with the Individual making the disclosure to ensure complete and thorough understanding of the situation.

2.3.3.4. The Supervisor will ensure that all aspects of the submission and review comply with the *Freedom of Information and Protection of Privacy Act* and other legislation relevant to the activity.

2.3.3.5. As a result of the disclosure and assessment, the person conducting the assessment may find:

- There is no potential or actual Conflict of Interest and the Individual is free to proceed with the activity;
- There is a potential for a real or perceived Conflict of Interest, but the activity serves the interests of the College and the activity can be managed in a way that is compliant with legislation, protects the integrity and reputation of the College, and would withstand the test of reasonable and independent scrutiny. In this case, a suitable method of monitoring and managing the allowed conflict will be determined and implemented before the Individual proceeds with the activity; or
- There is the potential for a Conflict of Interest and it is determined that the activity does not serve the interests of the College or the potential conflict cannot be managed in a way that would protect the integrity and reputation of the College or withstand the test of reasonable and independent scrutiny. In this case the activity will not be allowed and the Individual is not to proceed with the activity.

2.3.3.6. If the Supervisor concludes that no conflict exists, the Individual may request a written statement to that effect.

2.3.4. The term “**Conflict of Interest**” is defined above. Examples of what may constitute a Conflict of Interest may include, but not be limited to:

2.3.4.1. An Individual has, or could be seen to have, used his/her authority, knowledge or influence derived from his/her position at the College to benefit the Individual, a Direct Associate of the

Individual, a member of the Individual's immediate family, a close personal contact such as a close friend or colleague, or an outside party including a business associate;

2.3.4.2. An Individual enters into or is in a romantic, intimate or close personal relationship with a student or another Individual that could lead to actual or perceived favoritism or an imbalance of power;

2.3.4.3. An Individual has a Private Interest which could be advanced by his/her role or duties at the College.

2.3. Restrictions Regarding Gifts

2.3.1. Individuals shall not accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their college position or duties, from any individual, organization, or corporation other than:

2.3.1.1. The normal exchange of gifts between friends;

2.3.1.2. The normal exchange of hospitality between persons doing business together;

2.3.1.3. Tokens exchanged as part of protocol, including international protocol; or

2.3.1.4. The normal presentation of gifts to persons participating in public functions, awards, speeches, lectures, presentations or seminars.

2.3.2. Acceptance of cash or cash equivalents as a gift is prohibited.

2.3.3. The value of a single tangible gift permitted by this section shall not exceed \$100. The total cumulative value of tangible gifts received from a single source in a calendar year shall not exceed \$250.

2.3.4. The value of a single event invitation permitted by this section shall not exceed \$300. The total cumulative value of event invitations received from a single source in a calendar year shall not exceed \$500.

2.3.5. Subject to the general restrictions set out in section 2.4.1 and the monetary limits set out in section 2.4.4, individuals may accept:

2.3.5.1. Paid invitations to industry, civic, or community events where attendance at such events is considered key to establishing and maintaining positive donor relationships and community collaboration relationships for the College, provided that such activities are carried on in the best interests of the College and not for any private benefit; or

2.3.5.2. Paid invitations for events where a large cross-section of people have been invited, provided that the invitation does not create a real or apparent conflict of interest.

2.3.6. For the Board Chair, the President, and members of the Executive, the value of a single event invitation from donors and friends of the institution shall not exceed \$1,000. The total cumulative value of events invitations received by the Board Chair, the President, or a member of the Executive (as applicable) from a single donor or friend of the institution in a calendar year shall not exceed \$1,500.

2.3.7. Individuals may accept invitations to Conferences, Symposiums, and professional development workshops where admission, accommodation, airfare and other fees are paid, provided that such invitation:

2.3.7.1. Is reasonable and customary in the academic or professional circumstances; and

2.3.7.2. Is not actually nor reasonably could be perceived as being provided in exchange for a favor or advantage to the organizers of the Conference, Symposium or professional development workshop or to any other party.

2.3.8. The value of a single invitation to a Conference, Symposium, or professional development workshop permitted under section 2.4.7 shall not exceed \$1,000 and the cumulative value of all such invitations received from a single source in a calendar year shall not exceed \$1,500. If the Individual receives an invitation to present at a Conference, Symposium, or professional development workshop, they may accept a single invitation worth up to \$3,000, and may accept up to two such invitations to present from a single source in a calendar year without special approval.

2.3.9. If an Individual is unclear as to the valuation of a gift, event invitation, or other benefit, as to whether a gift, event invitation, or other benefit fits under one of the above exceptions or under which section a gift, event invitation, or other benefit is captured, the Individual shall seek assistance from their Supervisor.

2.3.10. Any remuneration received by an Individual while representing the college at an external function, such as a Conference or Symposium, must be disclosed to their Supervisor and channeled to the College via the finance function.

2.3.11. If an Individual is offered a gift in excess of any of the monetary limits set out above, the Individual may request in writing from their Supervisor special approval to accept the gift. Special approval shall be granted in writing, in accordance with the principles and provisions of the Code, and where acceptance of the gift would not create a real or apparent conflict of interest.

2.4. Restrictions Regarding Concurrent Employment

An Individual creates a Conflict of Interest when he/she accepts outside employment or engages in outside activities which may interfere with the efficient performance of the Individual's duties or the inappropriate use of College time, material or resources.

2.4.1. Subject to sections 2.5.6 and 2.5.7 below respecting the Board Chair and the President, individuals may take supplementary employment, including self-employment, and participate in volunteer activities while employed at the College, including leaves of absence, unless such pursuits:

2.4.2. Cause an actual or perceived Conflict of Interest;

2.4.3. Are performed in such a way as to appear to be an official act or to represent a College opinion or policy;

2.4.4. Interfere with regular duties; or

- 2.4.5. Involve the use of College premises and equipment.
- 2.4.6. Prior to participating in a volunteer activity where it appears or where the Individual believes that a Conflict of Interest might arise, Individuals must notify their Supervisor in writing about the nature of such volunteer activity.
- 2.4.7. Prior to accepting any supplementary employment, individuals must notify their Supervisor in writing about the nature of such supplementary employment. The Supervisor will then review the supplementary employment for conflict of interest and advise in writing regarding approval, denial or put procedures in place to manage any conflict of interests.
- 2.4.8. Individuals cannot accept additional compensation for duties performed in the course of their College responsibilities.
- 2.4.9. Individuals must not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of future employment, nor may they use their position or College premises or equipment to solicit services as a private consultant.
- 2.4.10. An Individual who holds a position as a board member on a community agency that deals with issues related to his/her work at the College should inform his/her Supervisor of the appointment. The College supports Individuals being involved in community based work where they will grow personally and/or professionally and/or where the College will benefit from such involvement. This includes volunteer work, board work (volunteer or paid) or committee involvement. If an appearance before a Committee, Council, Board, Commission, Organization, Association or any other agency could result in adverse consequences for the College, or represent a Conflict of Interest between the interests represented by the Individual and the interests of the College, the Individual must not participate. Individuals may however, exercise their rights as a citizen so long as it is clear that they are representing themselves as a private citizen and in no way represent the interests of the College.
- 2.4.11. The President must not be involved in any appointment, business, undertaking or employment, including self-employment, other than the appointment or employment that is subject to this Code, unless the President has first applied to the Ethics Commissioner for approval in writing and received that approval, pursuant to section 2.5.8 below.
- 2.4.12. The Ethics Commissioner may provide approval in writing on any conditions that the Ethics Commissioner considers to be appropriate if the Ethics Commissioner is satisfied that the appointment, business, undertaking or employment proposed will not constitute a real or apparent Conflict of Interest.
- 2.4.13. Section 2.5.7 of this Code comes into effect for the current President on December 15, 2019 or when his/her appointment or contract is renewed or extended. If a new President is appointed or

hired after the coming into force of this Code, section and 2.5.7 will apply with immediate effect.

2.5. Confidentiality

Individuals shall handle confidential information with the utmost care and integrity and shall not disclose, release or transmit confidential information except as specifically authorized. The responsibility for maintaining the confidentiality of information includes the responsibility of ensuring that the information is not directly or indirectly made available to unauthorized persons. All Individuals must adhere to the requirements of the *Freedom of Information and Protection of Privacy Act*.

2.6. Compliance with Applicable Laws and Policies

Individuals must not engage in any criminal activity and must comply with all relevant laws, regulations, policies and procedures.

2.7. Conduct Towards Other

All Individuals will respect the rights and dignity of all persons by:

- 2.7.1.promoting an environment that is free of any form of harassment, discrimination workplace violence or sexual misconduct;
- 2.7.2.refusing to tolerate and refraining from any form of harassment, discrimination, workplace violence or sexual misconduct;
- 2.7.3.refusing to tolerate and refraining from verbal or physical abuse or the threats of abuse;
- 2.7.4.refusing to tolerate and refraining from vexatious comments or behaviours that interfere with or disrupt the learning, living , study or work life of myself or others;
- 2.7.5.treating confidential information appropriately;
- 2.7.6.exercising care and due diligence to ensure the health and safety of others;
- 2.7.7.encouraging others to feel welcome and safe.

2.8. Workplace Relationships

Workplace relationships between Employees and students support learning. The unequal power relationship inherent in Employee-student relationships increases the vulnerability of the student. Employees will establish and maintain appropriate professional boundaries with students. If an Employee is unsure about what are appropriate professional boundaries, he / she should consult with his / her Supervisor or Human Resources. To maintain professional boundaries with students, Employees must not:

- 2.8.1.Engage in a sexual and / or intimate relationship with any student over whom they have influence or could be perceived to have influence, unless such relationship is pre-existing and disclosed in writing to the appropriate supervisor;
- 2.8.2.Engage in other potentially problematic relationships with any student over whom they have influence or could be perceived to have influence. Such relationships include, but are not limited to: teaching a member of one's immediate family or a close friend, unless such relationship is disclosed in writing to the Supervisor and the Supervisor has made appropriate arrangements to address potential Conflicts of Interest; and excessive socializing with students outside of class, either individually or as a group;

2.8.3. Use speech or engage in conduct that is reasonably regarded as offensive and substantially impairs the academic and work opportunity of students; and

2.8.4. Embroil students in interpersonal difficulties employees may be having.

The unequal power relationship inherent in Supervisor-Employee relationships increases the vulnerability of the Employee. To maintain appropriate professional boundaries with Employees, Supervisors should be mindful of the development of workplace relationships with an Employee, where the Employee is likely to misunderstand the terms of the relationship. To maintain professional boundaries with Employees, Supervisors must not:

2.8.5. Engage in a sexual and / or intimate relationship with any Employee over whom they have influence or could be perceived to have influence; and,

2.8.6. Use speech or engage in conduct that is reasonably regarded as offensive and substantially impairs the work environment.

2.9. Personal Conduct

All Individuals will demonstrate a high standard of personal conduct by:

2.9.1. being reliable in their commitment to participate in work and related activities;

2.9.2. refraining from making or participating in decisions affecting other persons with whom they have a personal relationship or to whom they have a negative or positive bias towards or may be reasonably perceived to bear a negative or positive bias towards;

2.9.3. using any real or perceived position of authority appropriately;

2.9.4. practicing honesty and fairness in my academic or work life;

2.9.5. ensuring personal use of alcohol or other drugs or medications do not affect performance of duties or the safety and well-being of others;

2.9.6. supporting an atmosphere that encourages the respectful exchange and examination of diverse ideas in order to further the development of the College learning environment;

2.9.7. acting in good faith and with propriety at all times with a view to the best interests of the College.

2.10. Conduct Toward Property, College Assets and Records

All Individuals will respect the property of others, College assets and records by working to create an environment that does not condone:

2.10.1. theft, vandalism or damage of property;

2.10.2. unauthorized use or entry to any space or property;

2.10.3. misuse of College assets (tangible assets such as, buildings, furniture, equipment, vehicles, supplies, computer systems, tools, and funds and/or intangible assets such as intellectual property, patents, work time, use of facilities and services);

2.10.4. misuse of personal information or records;

2.10.5. violation of civil or criminal statutes.

2.11. Conduct Towards Animals

All Individuals will recognize that animals form a critical foundation to our learning, research, and recreational activities by:

- 2.11.1. always treating the welfare of animals in the care of the College as a first priority when working with them;
- 2.11.2. always treating animals in accordance with the regulations set out in the Animal Welfare Act, by the Canadian Council on Animal Care, or any other animal welfare regulations adopted by the College.

2.12. Awareness and College Community Responsibility

All Individuals will practice integrity through compliance with the Code, College policies and Provincial and Federal legislation by:

- 2.12.1. supporting others in adherence to the Code, College policies and procedures and Provincial and Federal legislation;
- 2.12.2. seeking guidance from the persons to whom they are accountable in any case where there is a question about compliance with the Code, College policy; and/or applicable Provincial and Federal legislation;
- 2.12.3. recognizing how this policy is connected with more in-depth College policies and procedures and Provincial and Federal Legislation;
- 2.12.4. taking responsibility for learning how related College policies and procedures and Provincial and Federal Legislation apply to my situation.

2.13. Media Relations and Public Statements

All media inquiries and public statements are coordinated by the Office of the Vice President, Development.

3. PROCESS FOR IDENTIFYING A VIOLATION OF THE CODE & INVESTIGATION PROCEDURES

3.1. Identifying and Reporting a Violation of the Code

It is the intent of Olds College that breach of College policies or procedures shall result in disciplinary measures up to and including suspension or termination. Non-compliance with College policies and procedures constitutes a violation of this Code. This applies to all Individuals.

In addition to the Code, other College policies and procedures should be consulted when identifying a violation of the Code.

Maintaining the ethical standards of the Code is the responsibility of all Olds College Individuals.

- 3.1.1. Individuals have a responsibility to report situations of a breach of the Code by other Individuals. These situations must be reported so that appropriate steps are taken to address the matter. No action shall be taken against an Individual for reporting such a situation, unless the report is made maliciously or without reasonable grounds. Wherever possible the name of the person reporting such information will be kept confidential and no documentation regarding the reporting will be placed on the person's personnel file.
- 3.1.2. Attempting or assisting others to commit acts which violate the Code shall be treated in the same manner as committed violations and are subject to the same range of sanctions.
- 3.1.3. Individuals may be accountable to both external authorities and the College for acts that constitute violations of the Code. Assessment of Code violations and related consequences can occur irrespective

of any administrative, civil or criminal proceedings arising out of the same or related events.

3.1.4. In terms of investigating and reporting violations of the Code, the College understands that Individuals who are victims of a crime (e.g. sexual misconduct, including sexual harassment, sexual assault or sexual stalking) may wish to control whether or how their experience will be dealt with by the police and/or the College. Normally the victim will retain this control; however, the College reserves the right to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the consent of the victim, if the College believes that the safety of the college community is at risk.

3.2. Informal Processes for Investigating and Responding to a Violation

This section outlines the informal processes and protocol for responding to certain types of violations of the Code. Such processes are available where breaches of the following sections of the Code are alleged: Section 2.8 (Conduct Towards Others); Section 2.9 (Workplace Relationships); and Section 2.10 (Personal Conduct).

3.2.1. Direct Action

Any person ("hereinafter called the Complainant"), who has identified a violation, reasonably and in good faith, of the Code should attempt to put a stop to the violation by informing the Individual responsible ("hereinafter called the Respondent") that the Respondent's behaviour is unwelcome or inappropriate and requesting that it end.

3.2.2. Informal Complaint Process

3.2.2.1. A Complainant who is reluctant to confront a Respondent directly may choose to engage in an informal process to determine how to proceed. The Complainant may be reluctant to bring forward concerns to the head of Human Resources (hereinafter called the "Director") because (a) the Complainant may be unsure if the Respondent's conduct is a violation of the Code, (b) has tried to confront the Respondent previously without success or (c) has been subjected to retaliatory behaviour after confronting the Respondent.

3.2.2.2. If a complaint is made affecting the Director, the Vice-President, Development & Strategy will assume the role of the Director for activities that the Director would otherwise undertake under this Code.

3.2.2.3. If the Complainant is reluctant to bring concerns to the Director, the Complainant may consult with his or her Supervisor, association or union representative, or the Supervisor of the Respondent to identify if, reasonably and in good faith, a violation of the Code has occurred.

3.2.2.4. If the individual who is consulted by the Complainant (Supervisor, association or union representative, or Supervisor of the Respondent) identifies reasonably and in good faith a violation of the Code, he or she must direct the Complainant, bring the matter to the attention of the Director or bring the matter to the

attention of the Director personally, as soon as possible, and in any event, no later than ten (10) working days.

3.2.2.5. The Director will outline the following resolution options to the Complainant:

- Complainant deals directly with the Respondent;
- informal discussions with the Respondent;
- counseling;
- mediation;
- grievance or complaint under existing collective agreements;
- formal complaint investigation and report set out in this Code;
- formal complaint to the police (If it is determined that the safety of the College community is a risk, this may be done without the consent of the Complainant).

3.2.2.6. Mediation can only occur with the consent of both Complainant and Respondent and in accordance with the established guidelines. If mediation is chosen, the parties will attempt to resolve the issue(s), using the following process:

- Either party may make a written request for resolution through mediation to the Director who will convey the request to the other party.
- The Director will select an experienced mediator.
- The mediator will inform the parties of the procedures to be followed. Both the mediator chosen and the format of the mediation procedure must be acceptable to both parties.
- Mediation proceedings are confidential and communications made by each party during mediation are made without prejudice.
- A mediated resolution of the complaint results in a written agreement setting out the terms of the resolution and if a proposed resolution involves the College, the College must also agree to the resolution.

3.3. Formal Processes for Investigating and Responding to a Violation

Formal Complaint Investigation processes are appropriate and available where Informal Complaint Processes are not appropriate or where breaches of the following provisions of this Code are alleged: Section 2.1 (Requirement to Act Impartially in Carrying out Duties); Section 2.2 (Acting in Self-Interest or Furthering Private Interests); Section 2.3 (Disclosure of Real and Apparent Conflicts of Interest); Section 2.4 (Restrictions Regarding Gifts); Section 2.5 (Restrictions Regarding Concurrent Employment); Section 2.6 (Confidentiality); Section 2.7 (Compliance with Applicable Laws and Policies); Section 2.11 (Conduct Toward Property, College Assets and Records); Section 2.12 (Conduct Towards Animals); Section 2.13 (Awareness and College Community Responsibility); and Section 2.14 (Media Relations and Public Statements). A formal complaint investigation will proceed as follows.

3.3.1. Formal Complaint: Investigation

3.3.1.1. Any person who has identified, reasonably and in good faith a violation of the Code should, as soon as possible and, in any event, not later than 10 (ten) working days after observing or learning of the violation (hereinafter called the “Allegation”),

inform in writing, and identify himself or herself, to the Director unless the Director is somehow involved in the violation, in which case the College officer to whom the Director reports should be approached.

3.3.1.2. Any threat, act of intimidation or retribution, or other disciplinary, punitive or coercive action made against a Complainant by an individual in response to the Complainant's Allegation constitutes a serious violation of the Code.

3.3.1.3. The Director who has received an Allegation shall investigate the matter thoroughly, fairly, and without bias. The Director may appoint an investigation officer or conduct the investigation personally. The Director or investigation officer who ultimately undertakes the investigation is hereinafter called the "Investigator".

3.3.1.4. In accordance with Section 3: Policy Statement, nothing in the Code precludes the College from investigating misconduct and taking disciplinary actions without an Allegation.

3.3.1.5. Upon receiving an Allegation, the Investigator shall initiate and complete an investigation into the Allegation within thirty (30) working days unless a longer period is appropriate in the circumstances and the Director extends the time. Both the Complainant and the Respondent will be advised of any extension.

3.3.1.6. The investigation of the Allegation may include but is not limited to:

- review of all records, including email and voicemail and social media, associated with the alleged violation. The Investigator shall have the rights to require the production of such records from anywhere and anyone in the College;
- interviewing of the Complainant, Respondent and witnesses, including every Individual identified in the Allegation as having broken the Code.

3.3.1.7. All evidence, including the identities of the Complainant, all witnesses, and the Respondent, must be kept confidential by all parties in any way associated with the investigation of the Allegation, except to the extent necessary to allow the Investigator to conduct the investigation thoroughly and fairly and the Respondent fully to defend himself or herself against the Allegation.

3.3.1.8. Upon reviewing records and conducting interviews, the Investigator must compile an Investigator's Report of the findings and his or her recommendations for discipline and/or remedial/relief.

3.3.1.9. The Director will review the Investigator's Report and determine whether or not the evidence on balance justifies imposing a discipline and/or granting of remedial relief. The Director may, in his or her sole discretion, mediate between the Complainant and Respondent to assist this determination.

3.3.1.10. If the Director concludes that, on the basis of the evidence before him or her, discipline and/or granting of remedial relief is warranted, the Director shall present the Allegation and supporting evidence to the Respondent.

3.3.1.11. If the Director determines that the evidence does not justify discipline and/or granting of remedial relief, he or she shall terminate the matter and so inform in writing the Respondent and Complainant. No documentation relating to the Allegation will be placed in the Respondent's file.

3.3.2. Formal Complaint: Final Report

3.3.2.1. The Director will submit a Final Report that includes the Investigation Report and Director's Recommendations regarding the imposition of discipline and/or granting of remedial relief to the President (or designate) of the College.

3.3.2.2. Where the Investigation Report substantiates the Allegation and the Director has recommended a penalty, the final decision for the imposition of discipline and/or granting of remedial relief rests with the President (or designate). The President (or designate) will have due regard for the disciplinary procedures set out in College policies, any applicable collective agreements or the Olds College Code of Conduct, as appropriate.

3.3.2.3. The President (or designate) will inform the Respondent in writing, with reasons, about the penalty and impose it;

3.3.2.4. Unless circumstances otherwise reasonably warrant, the President (or designate) shall issue the decision within 30 days from his or her receipt of the Investigation Report and Director's Recommendations.

3.3.2.5. If a complaint is made affecting the President, the Chair of the Board of Governors will assume the role of the President for activities that the President would otherwise undertake in this policy.

3.3.3. Final Decision

3.3.3.1. The President's (or designate's) decision is final and binding.

3.3.3.2. If it is determined that a complaint has been made which was knowingly false, fraudulent or malicious, appropriate discipline may be imposed on the complaining party and appropriate remedial relief made available to any individual injured by the Allegation.

3.4. Education

3.4.1. Increased awareness and sensitivity to the issues of Code violation and the demonstration of high standards of personal conduct by all members of the College community are the goals of this Code.

3.4.2. The College will provide access to information and education regarding the Code through articles in College publications, employee and student handbooks, employee and student orientation sessions, and/or online information and training.

3.5. Confidentiality

3.5.1. The College will ensure that any inquiry made or informal or formal process taken pursuant to this Code is kept in confidence except as necessary to the investigation or to respond to any legal and/or administrative proceedings arising under this policy or otherwise. The Code is subject to the Freedom of Information and Protection of Privacy Act.

3.5.2. It is essential that the Complainant, Respondent and all those involved in the informal or formal processes conducted under this policy also maintain confidentiality. Breaches of confidentiality will be subject to discipline.

4. GENERAL PROVISIONS

4.1. **Coming into Force:** this Code will come into effect and be binding on all Individuals of the College January 1, 2021. Until such time as this Code comes into effect, the previous College Code of Conduct will apply.

4.2. **Implementation and Administrative Responsibility:** the Vice President, Development & Strategy in conjunction with the head of Human Resources has implementation and administrative responsibility for this Code. This Code will be reviewed at least every five (5) years or as required by corresponding legislation.

4.3. **Reporting Responsibility:** The head of Human Resources is responsible for preparing and distributing an annual report to the Board of Governors which will cover a calendar year and be available no later than March 31st of the following year. The annual report will summarize the activities in administering this Policy and will provide information on the nature of complaints, problem solving, mediation activities, investigations and decisions involving remedies or discipline.

4.4. **Annual Affirmation:** all Individuals subject to the Code must annually affirm in writing their understanding, commitment to, and compliance with the Code.

4.5. **Disclosure Requirements:** where this Code requires a disclosure to be written, any form of writing is acceptable, including email communication, or any other type of communication that is reduced to a written form.

Definitions:

In this Code:

- a. **“Chair”** means the Chair of the Board of Governors of the College.
- b. **“Direct Associate”** of an individual means:
 - i. An **individual’s** spouse or adult interdependent partner;
 - ii. A corporation having share capital and carrying on business or activities for profit or gain where the individual is a director or senior officer of the corporation;
 - iii. A private corporation carrying on business or activities for profit or gain where the individual owns or is the beneficial owner of shares of the corporation;

- iv. A partnership of which the individual is a partner or of which one of the partners is a corporation directly associated with the individual by reason of one of the above;
- v. A person or group of persons acting with the express or implied consent of the individual.
- c. **“Code”** means this Code of Conduct, as amended from time to time.
- d. **“College”** means Olds College.
- e. **“Conflict of Interest”** refers to a situation in which Private Interests or personal considerations may affect an Employee’s or Member’s judgment in acting in the best interests of the College. It includes using an Employee’s or Member’s position, confidential information or College time, material or facilities for private gain or advancement, or the expectation of private gain or advancement. A conflict may also occur when an interest benefits the individual, the individual’s immediate family, or the individual’s Direct Associate.
- f. **“Board Chair”** includes the Chair and those defined by Order in Council as a Senior Official for the purposes of Part 4.3 of the Conflict of Interest Act of Alberta.
- g. **“President”** means the President of the College.
- h. **“Employee”** means a person who is engaged by Olds College to perform a service in accordance with existing terms and conditions of employment, employment contracts or collective agreements, and includes the President.
- i. **“Individual”** means all persons to whom this Code applies, which is all Olds College Employees, Members, agents and contractors, including all members of the Board of Governors, Board Chair and President.
- j. **“Member”** means a member of the Board of Governors of the College.
- k. **“Private Interest”** means an individual’s personal financial, reputational or other beneficial interest, but does not include the following:
 - i. An interest in a matter that is of general application, that affects an individual as one of a broad class of the public, or that concerns the remuneration and benefits of an individual;
 - ii. An interest that is trivial.
- l. **“Supervisor”** means the immediate superior of the Employee, and in the case of a Member, means the Chair of the Board of Governors.

Related Information:

The following Olds College policies have been referenced in this document and are included in appendix:

- A08 Alcohol Use and Service
- A17 College Relationships with the Private and Public Sectors
- A18 Access and Protection of Privacy
- A20 Institutional Animal Care and Use
- A22 Weapons / Firearms
- A28 Fraud and Irregularities
- A29 Use of Copyright Material
- A38 Code of Conduct - Student
- A41 Gift Acceptance
- B21 Public Disclosure of Travel and Expenses
- B25 Disclosure Protection

	<p>C04 Nepotism C25 Workplace Anti-Violence and Harassment C26 Progressive Discipline C31 Off Duty Conduct C33 Animals in the Workplace EO2 Privacy, Information Security, and Identity Management</p>
Related Procedures:	
Review Period:	3 years
Revision History:	<p>2005: Revision 2016: Revision 2019: Revision 2020: Major Revision</p>