

ETHICAL BUSINESS PRACTICES

**POLICY: HR-03
HUMAN RESOURCES**

Reviewed:	Executive	April 12, 1999
Approved:	Board of Governors	June 4, 1999
Approved:	Board of Governors	January 22, 2002
Approved:	Executive Team	June 21, 2005
Approved:	Governance Council	June 27, 2005
Approved:	Board of Governors	June 28, 2005
Approved:	Board of Governors	June 26, 2007
Approved:	Executive Team	September 8, 2008
Approved:	Board of Governors	September 23, 2008
Approved:	President	January 18, 2010

POLICY

Ethical business practices are integral to ensuring that as a publicly funded institution, the College's business and affairs are conducted with impartiality and integrity. Conflicts or the appearance of conflicts between the private interests of employees (which also include the private interests of a spouse or minor child), contractors (Fee for Service) and Board members and their responsibilities to the College must be avoided.

This policy is intended to protect both the individual and the institution. This policy details guidelines and procedures regarding the acceptability of certain activities involving the College, its personnel and property. At the same time, it is recognized that College employees should enjoy the same rights in their private dealings as any other citizen unless it can be demonstrated that a restriction is essential to the public interest.

To support this policy and to ensure objectivity in decisions regarding each incidence, the College has established and will adhere to a consistent protocol and procedures for responding to allegations of conflict of interest, fraudulent acts, or irregular activities.

See also:

Code of Conduct – Bow Valley College Employees

Code of Conduct – Bow Valley College Students

Fraud – CS 33

Protected Disclosure – CS 34

ETHICAL BUSINESS PRACTICES

GUIDELINES

GENERAL

As a condition of employment with Bow Valley College, or appointment to the Board of Governors of Bow Valley College, all employees, contractors (Fee for Service) and Board members shall abide by this Ethical Business Practices Policy and shall report allegations of irregular activities, fraudulent acts and/or conflict of interest.

Management and supervisory staff have a responsibility to ensure, to the extent of their authority and ability, that conflicts and concerns within their area about irregular activities or fraudulent acts are addressed in a positive, timely and effective manner in accordance with this policy, and that employees under their supervision are informed of their rights and responsibilities with respect to this Ethical Business Practices Policy. The Board Chair has a parallel responsibility with respect to members of the Board and its committees.

All reported instances of irregular or fraudulent acts will be investigated with the objective to establish any one or more of the following:

- a) To provide assignment of responsibility for investigating the specific incident.
- b) To provide a professional response to any suspicion or suggestion of irregular or fraudulent activity.
- c) To determine the authenticity of the suspicion or suggestion.
- d) To help recover losses and/or prevent further losses.
- e) To help design and implement appropriate procedures and controls to reduce the probability of similar types of occurrences College-wide.
- f) To establish a review process that ensures appropriate and consistent action is taken or undertaken, and that all evidence and information is secured for such a review process.

RESPONSIBILITIES

Employees, contractors (Fee for Service) and Board members shall endeavour to uphold and enhance their professional responsibility to the College and peers by:

- asserting a high standard of integrity in all their business relationships, both internal and external to the College;
- rejecting, denouncing, and exposing any business practice that is improper; fraudulent or irregular.
- acting lawfully;
- not using their position within the College for personal gain; and
- demonstrating respect for personal and College property.

ETHICAL BUSINESS PRACTICES

DEFINITIONS

- **Ethical Business Practices**
Standards for determining the difference between good and bad decision making and behaviour.
- **Code of Conduct**
Respecting the dignity and human rights of all people and recognizing the freedom, right to justice and equality of all individuals.
- **Integrity**
To abide by standards of good faith and trustworthiness and to adhere to the highest ethical standards. To carry out business with honesty and due diligence, to honour commitments, to be accountable for our actions and to follow through on promises and agreements
- **Private Interest**
The private interest of an employee does *not* include an interest:
 - (i) in a matter that is of general application, or
 - (ii) that affects a person as one of a broad class of the public, or
 - (iii) that affects the compensation or benefits of the employee, or
 - (iv) an interest that is trivial.An employees' private interests includes those of a spouse or minor child.
- **Conflict of Interest**
Any interest, which may impinge upon, or may reasonably be seen by others to impinge upon, an employee's or Board member's impartiality in any matter relevant to their duties.
- **Fraudulent Act**
A deliberate or unlawful deception, misrepresentation, misappropriation, or concealment of facts to secure advantage, personal gain, or cause a loss to another. Such gain may be directly gained or indirectly gained, when such action benefits relatives or friends of an individual. It may include an individual unlawfully obtaining money or other property belonging to the College, theft, forgery, or falsification of records.
- **"Irregular" Acts**
An irregular action is defined as an activity that is contrary to College policies, regulations or procedures, federal or provincial laws or activities, unethical in nature or not conforming to generally accepted business practices.

DECLARATION OF INTEREST

Any interest, which may impinge upon, or may reasonably be seen by others to impinge upon, an employee's, contractor's (Fee for Service) or Board member's impartiality in any matter relevant to their duties should be declared in writing to the President or the President's designate, or in the case of the President or Board members to the Board Chair. All declarations made to the President or the President's designate or to the Board Chair shall be maintained on a confidential basis in accordance with the *Freedom of Information and Protection of Privacy Act*. Declarations made to the Board Chair, if subsequently adjudicated by the Board of Governors, may become a matter of public record.

ETHICAL BUSINESS PRACTICES

SAFE DISCLOSURE

The College will respect the principle of safe disclosure and ensure that the College has mechanisms for concerns to be brought forward without retribution or reprisal.

INVESTMENT AND MANAGEMENT OF PRIVATE ASSETS

Where the business or financial interests of employees or Board members, their spouses or their minor children are affected or appear to be affected by actions taken or decisions made in the course of their employment or membership, employees or Board members shall disclose those interests in writing to the President or in the case of the President and Board members, to the Board Chairperson. If an actual or potential conflict of interest situation exists as a result of this disclosure, the President or the Board Chair, as the case may be, shall determine the method of resolution of the situation. Options for resolution include requiring the use of a blind trust, divestment of the asset, or employment action.

Employees, contractors (Fee for Service) and Board members involved in the decision-making process for the acquisition or sale of assets for the College or for the provision of services to or by the College shall disqualify themselves from any decision-making process that involves their business or financial interests or those of their spouses or children. Any arrangement, which may, in the long or short term, prevent the effective operation of fair competition, shall be prohibited.

CONFIDENTIALITY AND ACCURACY OF INFORMATION

The confidentiality of information received or collected in the course of duty shall be respected and shall not be used for personal gain. Information given or collected in the course of duty shall be fair and shall not be designed to mislead. Disclosure of the College's proprietary information to unauthorized persons is strictly prohibited.

All employees and Board members shall ensure that they act in accordance with the *Freedom of Information and Protection of Privacy Act*. This responsibility includes ensuring that such information is not directly or indirectly made available to unauthorised persons, and that any information collected or disseminated is accurate.

Declarations made to the Board Chair, if subsequently adjudicated by the Board of Governors may become a matter of public record.

HOSPITALITY AND ACCEPTANCE OF GIFTS

No employee, contractor (Fee for Service) or Board member shall receive gifts, personal loans, entertainment, favours, services or other special considerations from any individual, organization, or corporation, other than:

- the normal exchange of gifts between friends;
- the normal exchange of hospitality between persons doing business together;
- the tokens exchanged as part of protocol;
- the normal tokens of appreciation presented by learners to instructional staff; or
- the normal presentation of gifts to persons participating in public functions.

ETHICAL BUSINESS PRACTICES

Employees, contractors (Fee for Service) or Board members, who are recipients of hospitality stemming from a business relationship, shall not allow themselves to reach a position where they may be, or may be seen by others to have been, influenced in making a business decision as a consequence of accepting such hospitality. The frequency and scale of hospitality accepted shall not be significantly greater than a recipient's hospitality budget would be likely to provide in return.

REPRESENTATION

Every employee, contractor (Fee for Service) and Board member represents the College in dealings, both internal and external to the College. In these dealings, every employee, contractor (Fee for Service) and Board member must be, and must be seen to be, beyond challenge or reproach.

PUBLIC STATEMENTS

Employees, contractors (Fee for Service) and Board members acting on behalf of the College who write or speak publicly shall ensure that they do not release information in contravention of the *Freedom of Information and Protection of Privacy Act*. This responsibility includes ensuring that such information or documents are not directly or indirectly made available to unauthorized persons. This also applies to employees and Board members who are in contact with individuals and organizations external to the College in the course of their duties. All media contacts are to be directed to the Marketing and Communications Offices. The Board Chair and the President are the official spokespersons for the College.

USE OF FACILITIES, EQUIPMENT AND SUPPLIES

College facilities, equipment and supplies are to be used for College business. A detailed code of conduct and behaviour related to the use of College information systems is outlined in the College's Computers and Network Policy.

COPYRIGHT AND INTELLECTUAL PROPERTY

As users of information produced outside of the College, employees shall strive to ensure that copyrights and trademarks are respected. Issues relating to copyright and reproduction of materials and copyright licensing agreements should be directed to the Learning Resource Services.

The College owns the copyright on all work that is produced by employees in the course of their employment with the College. Employees wishing to use material produced by the College or material that they have produced themselves in their employment with the College must receive permission from the President, or President's designate, prior to using or disseminating those materials externally.

Economic rights relating to the development of any materials for the College shall be the property of the College. Any product or technology developed by employees in the course of

ETHICAL BUSINESS PRACTICES

their employment with the College is the property of the College. An employee shall not sell, trade, market or distribute any such product or technology unless otherwise authorized by the President or President's designate.

DEALINGS WITH OTHERS

Selection of candidates will be carried out in accordance with the applicable collective agreement or selection policy. Candidates for employment with the College will not automatically be excluded from consideration because of their family relationships to persons already employed by the College. However, in hiring immediate family members of existing employees, any conflict of interest that would have a detrimental effect on the College will be avoided.

Candidates must declare family relationships to persons already employed with the College before being hired. In addition, employees must disclose any relationships that may develop with another College employee while in the employment of the College.

To ensure objectivity and fairness in dealings with all employees, an employee shall not be assigned to a position where that employee would be supervising or be supervised by an immediate family member. Should a Director or Dean wish to hire an immediate family member of a current employee into the same department, prior approval from the President and CEO is required.

Employees, contractors and Board members who exercise any discretionary control over others, including recruitment selection panels, shall, wherever possible, disqualify themselves from dealing with anyone with whom the relationship between them may bring the employee's impartiality into question.

In staffing and recruitment processes, selection panel members shall disqualify themselves from competitions where applicants include relatives or other individuals where the continued participation of the panel member could raise a question as to their impartiality. When recruiting wage staff or persons to special employment programs (such as the STEP or PEP programs), the selection shall be done impartially.

For the purposes of this policy, immediate family members includes spouse (including common law spouse but does not include a spouse who is living apart from the employee if the employee and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order) or any of the following relations of an employee or spouse: parents, guardian, grandparent, grandchild, son, daughter, brother, sister, step children, nieces, nephews, aunts, uncles, first cousins or the spouse or partner of any of them.

Employees, contractors (Fee for Service) and Board members shall not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of employment.

Employees, contractors (Fee for Service) and Board members shall not accept monetary or

ETHICAL BUSINESS PRACTICES

other payment in addition to their normal salary or expenses for duties that they perform in the course of their employment or office.

OUTSIDE EMPLOYMENT

In performing outside employment, employees shall recognize the potential for conflict with their existing work in terms of effort required and commitment to their work as well as the potential for conflict of interest between employment relationships. All full-time employees of the College, as a condition of employment, are expected to devote their whole effort to their obligations to the College.

Employees may take supplementary employment, including self-employment, or additional employment with the College, unless such employment:

- causes an actual or perceived conflict of interest;
- is performed in such a way as to appear to be an act of the College, or to represent a College opinion or policy;
- unduly interferes with the employee's work duties, through telephone calls or otherwise; or
- involves the use of College premises, equipment or supplies.

An employee shall disclose and discuss with his or her supervisor any conflict of interest that may arise from taking on additional employment, either outside or within the College, prior to accepting such employment.

Employees shall not accept additional compensation for duties which they perform in the course of their College work.

Employees shall not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of employment.

TEACHING

Employees may teach courses at institutions for a fee provided that (a) College information protection and privacy is respected, (b) course preparation, instruction and marking is done on the employee's own time, and (c) no other real or perceived conflict arises. Should there be potential for a conflict, the President or designate must be informed and determine suitable actions.

VOLUNTEER ACTIVITIES

Employees are encouraged to participate in volunteer activities and be active members of the community. However, the restrictions listed above also apply to volunteer activity. Employees who are actively associated on a volunteer basis with any organization shall disclose this interest to the President or designate, where a conflict of interest may arise. Employees shall disqualify themselves from participating in any agency decision which could impact the College.

POLITICAL ACTIVITIES

ETHICAL BUSINESS PRACTICES

Employees may be involved in political activities except if such involvement disrupts the work environment or detracts from an employee performing his or her full duties. Solicitation of colleagues to support political activities is not permitted.

Employees who run as candidates for public political office (e.g. municipal, provincial or federal government office), must take a leave of absence without pay commencing on the day after the writ for the election is issued or on the day that their candidacy is publicly announced, whichever is later. Employees who are elected to office shall resign their employment effective the day of the election. Employees who seek election and are not elected, are entitled to return to the same or similar employment, effective the day after the election.

REVIEW OF DECISION

Where a difference of opinion exists as to whether the action of an employee contravenes this policy, that employee may request that any decision resulting from that contravention be reviewed by the President or President's designate. If the decision was made by the President, that decision may be reviewed by the Board of Governors.

PENALTIES AND CONSEQUENCES

Employees who do not comply with any provisions of this policy may be subject to disciplinary action, up to and including dismissal.

For Board members who do not comply with any provisions of this policy, recommendations for action will be made to the Minister.

REVIEW OF ETHICAL BUSINESS PRACTICES POLICY

The Ethical Business Practices Policy will be reviewed by the Director, Human Resources as required and at a minimum every five (5) years.

CROWN LANDS, MINERALS AND RESOURCES

Employees may have dealings in crown lands and resource rights as long as this does not pose an unmanageable conflict of interest and the interests have been disclosed.

ETHICAL BUSINESS PRACTICES

PROCEDURES

1. Access to this policy and any amendments shall be made available to employees, contractors and Board members and employees, contractors and Board members are responsible for knowing and adhering to this policy. At the point of hire, and annually thereafter, each employee will be required to review and sign off that they have read and understood the Ethical Business Practices Policy. Guidance in avoiding unethical business practices may be obtained through the office of Human Resources.
2. **If warranted** an Advisory Committee (the Committee) will be established by the Vice President, College Services, in consultation with the President, to receive information and investigate the reported incident. The Committee may retain or consult with an expert with specific skills required, including legal counsel, as part of the investigation and/or review process.
3. Upon the commencement of an investigation, the Committee will prepare a written report to include, but not limited to, the following details:
 - a) Description of the incident, including the value of any loss, the individual(s) involved, and the means of perpetrating the activity,
 - b) Immediate measures to be taken to prevent further loss,
 - c) Measures to secure evidence in the case of a criminal action or civil litigation.
4. This report or a summary of it will be presented to the Executive Team of the College for information.
5. Upon completion of the investigation the Committee will prepare a written report setting out their findings.
6. The Executive Team will consider the evidence gathered and the advice of the Committee to determine if it is probable that an irregular or fraudulent activity has taken place. In such case, if the Executive Team, determines it is in the best interest of the College to pursue the matter further the following actions may take place:
 - The suspected employee(s) or contractor(s) will be suspended, with or without pay, pending further investigation.
 - Law enforcement authorities may be called upon to further investigate the incident.
 - Where fraud has occurred, the College will work with the appropriate law enforcement authorities regarding the filing of criminal charges.
 - The President of the appropriate staff association (if applicable) will be notified and apprised of the situation on a confidential basis.
7. Normally any individual suspended will be denied physical access to the College and access to computer files and information including web-based access, pending a full investigation of the incident.

ETHICAL BUSINESS PRACTICES

8. All information received regarding a report of irregular or fraudulent activity will be treated confidentially. Investigation results will not be disclosed or discussed with anyone other than those parties involved who have a legitimate need to know.
9. If an investigation results in a recommendation to dismiss an employee or terminate a contract, the decision rests with the President.
10. As part of the annual audit of the College's financial systems and controls, a summary of all fraudulent activities will be made available to the external auditors and the Board of Governors. At the discretion of the President, an individual incident may be reported to the Board at the time the investigation is complete.

ETHICAL BUSINESS PRACTICES

ETHICAL BUSINESS PRACTICES POLICY HR-03

FRAUD POLICY CS-33

PROTECTED DISCLOSURE POLICY CS-34

AGREEMENT

(to be signed annually)

Name (please print)

By signing this form, I attest to the following:

1. that I have read, and fully understand, the Ethical Business Practices Policy – HR-03, Guidelines and Procedures, Fraud Policy – CS33. Guidelines and Procedures; Protected Disclosure Policy CS – 34, Guidelines and Procedures;
2. that I agree to execute ethically, conscientiously, with due diligence and according to law the duties required of me as an employee of Bow Valley College;
3. that I will comply with the Freedom of Information and Protection of Privacy Act;
4. that I will not, without due authorization, disclose or make known to any unauthorized person, any matter or thing which comes, or has previously come, to my knowledge by reason of my employment with the College;
5. that I acknowledge if I do not comply with the provisions of the Ethical Business Practices Policy and the Fraud Policy, I may be subject to disciplinary action, up to and including dismissal and that I may be subject to litigation depending on the severity of the infraction.

I have carefully read and accept this declaration.

Signature of Employee/Board Member

Date

Signature of Witness

Date