



<b>Category:</b>	<b>Global Planning &amp; Accountability</b>
<b>Approval Body:</b>	<b>Board of Governors</b>
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<b>Policy Sponsor:</b>	<b>President and Chief Executive Officer</b>
<b>Policy Administrator:</b>	<b>Vice-President People and Planning</b>

## **Lethbridge College Code of Conduct (“Code”) Policy**

### **Preamble**

As an institution that receives public funds, we recognize that the people of Alberta have a right to a public service that 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.

### **Purpose**

Lethbridge College expects all members and employees to engage in ethical behaviour in all aspects of college-related activities. Further, it is expected that we will conduct our business in a manner that will preserve and enhance our reputation as an institution of high standards, service excellence and conduct.

Members and employees are expected to share in this commitment through strict adherence to the outlined expectation and conditions for appropriate conduct in our day-to-day work activities and relationships as established in the Code of Conduct Policy.

### **Scope / Limits**

The Lethbridge College Code of Conduct applies to specific members of the college community including employees, executives, board members, the Board Chair and President and CEO.

The provisions in the Code apply to employees, executives, board members, the Board Chair and President and CEO. There may be additional provisions that apply only to board members, the Board Chair and President and CEO.

### **Definitions**

**Apparent Conflict** 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 must have been affected by their private interest.

**Board Member** means any person appointed to The Board of Governors of Lethbridge College by an Alberta Government Order in Council or Ministerial Order as established under the authority of the *Post-Secondary Learning Act*.

**Code** the Lethbridge College Code of Conduct Policy

**Complainant** any person who brings forward a concern and/or a complaint under the Code.

**Complaint** a statement of facts setting out allegations specific to an alleged violation of the Code.

**Conflict of Interest** arises when individuals are placed in a position whereby their personal interest conflicts with the best interests of Lethbridge College. The test of a conflict of interest is not just a case of whether the individual is actually improperly influenced by his or her personal interest, obligation or objective but the pivotal issue is whether circumstances lend themselves to such a possibility.

**Designated Senior Official** includes the President and CEO as defined by Order in Council for the purposes of Part 4.3 of the *Conflict of Interest Act* of Alberta.

**Employee(s)** means any person on the payroll of Lethbridge College including members of the executive and the President and CEO.

**Executive** means an employee holding a position on the executive leadership team (ELT) at Lethbridge College including the vice president and executive director positions.

**Investigator** the individual designated by Lethbridge College to investigate complaints pursuant to the Code.

**Member(s)** means individuals appointed to The Board of Governors of Lethbridge College including the Board Chair.

**Respondent** a person or persons against whom an allegation and/or complaint of violating this Code has been made.

**Recuse** means to withdraw from a position of judging or decision making so as to avoid any semblance of partiality or bias.

**Senior Official** includes the chair of The Board of Governors of Lethbridge College, the President and CEO or those defined by Order in Council for the purposes of Part 4.3 of the *Conflict of Interest Act* of Alberta.

## **Policy Statements**

1. Lethbridge College requires individuals to conduct business, operations and academic affairs with integrity, impartiality, dignity and in a manner aligned with college values. Members and employees will refrain from acting in self-interest or furthering private interests by virtue of their position or through the carrying out of their duties.

2. Lethbridge College strives to provide a learning environment that values freedom of expression, the advancement of human rights, respect for human dignity, personal integrity and the absence of discrimination, harassment, intimidation or violence and vulgarity or any form of disruptive behaviour.
3. Members and employees, the Board Chair and the President and CEO are expected to:
  - 3.1. Strive to provide a learning environment that values freedom of expression, the advancement of human rights, respect for human dignity, personal integrity and the absence of discrimination, harassment, intimidation or violence and vulgarity or any form of disruptive behaviour.
  - 3.2. Demonstrate a high standard of personal conduct at the college and in other activities related to the college by upholding the law and refraining from behaviour that would bring the college into disrepute.
  - 3.3. Respect college assets and the property of others by working to create an environment that treats these assets with respect.
  - 3.4. Practice integrity by supporting others in adherence to the college Code of Conduct by proactively self-reporting and reporting possible breaches of this policy including the disclosure of any real and/or apparent conflicts of interest.

## **Notice Period**

The Code of Conduct was approved by The Board of Governors of Lethbridge College on September 11, 2018. Following approval, the Code will be made available to the public, and will take effect sixty (60) calendar days after being made public.

Any changes to this document will be given to the Ethics Commissioner for review and approval. Following the Ethics Commissioner's approval, changes to the Code will be approved by the Board of Governors of Lethbridge College, made public, and will become effective sixty (60) calendar days after being made public.

## **A: Policy Supports**

[Personal Conduct and Conflicts of Interest \(Appendix A\)](#)  
[Code of Conduct Self-Disclosure Form](#)

## **B: Legislated References**

[Conflict of Interest Act](#)  
[Freedom of Information and Protection of Privacy Act](#)

## **C: Other References**

## **D: Related Policies**

Respectful Campus

Safe Disclosure (Whistleblower Protection)

Sexual Violence Prevention and Response

Student Rights and Code of Conduct

## **E: Revision History**



<b>Category:</b>	<b>Global Planning &amp; Accountability</b>
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<b>Appendix A</b>	

## Personal Conduct and Conflict of Interest

Individuals must avoid situations where personal interests conflict, or are perceived to conflict with the interests of the college. If such a situation should arise, full disclosure is required and it is to be reported immediately using the following process:

### A. Disclosure

If an individual finds themselves in a situation where a conflict of interest exists or may be perceived to exist, full disclosure of the circumstances to the college provides an opportunity to deal with the issue before difficulties arise.

Employees:

1. Employees will report, in writing, potential conflict of interest issues to their immediate supervisor as soon as they are aware that the potential for conflict exists.
2. The immediate supervisor will contact Human Resources to advise them of the situation and seek assistance. If the matter is successfully resolved at this level, the immediate supervisor will ensure a letter is placed on file with a copy to the individual, indicating the manner in which the matter has been concluded.
3. In the event the issue cannot be mutually resolved, Human Resources will refer the matter to the Vice-President People and Planning or designate, for further required action.
4. Potential conflicts of interest observed in other college members may be reported under the college's **Safe Disclosure Policy**.

Board Members:

1. Board members have a duty to declare a potential conflict of interest or apparent conflict of interest at the beginning of a duly convened Board of Governor's meeting or as soon as the board member becomes aware of a potential conflict; and

2. All identified conflicts of interest are required to be recorded in the official minutes of the meeting including the point and time in the agenda when the board member recused themselves from decision-making.

Board Chair and President and CEO:

1. The Board Chair and President and CEO will disclose, either verbally or in writing, a potential conflict of interest or apparent conflict of interest at a duly convened Board of Governor's meeting or provide a report in writing of a potential conflict of interest to the Board Chair or President and CEO, whichever method is most applicable; and
2. Any applicable documentation regarding conflicts of interest should be placed in the individual's personnel file and reviewed annually by the board.

## **B. Recusal**

Board members and employees, the Board Chair and President and CEO are required to recuse themselves from decisions in which a real or apparent conflict of interest may exist. This includes but is not limited to:

1. A situation in which a person has a private, familial or personal interest that is sufficient to appear to influence the objective exercise of their professional duties; and
2. A situation where there is the potential for the personal and/or financial considerations of a person to be at odds with their public position.

## **C. Investigations and Breach of Code**

The college expects immediate disclosure on discovery by board members and employees, the Board Chair and President and CEO of any actual or potential conflicts of interest arising from activities with which they are engaged. Any individual is in breach of the *Conflict of Interest Act* if they fail to appropriately or adequately disclose a real or apparent conflict of interest.

Disclosure and formal complaints are made to the:

1. President and CEO where the disclosure or complaint involves employees or the Board Chair; or
2. Board Chair where the disclosure or complaint involves the President and CEO, an employee reporting directly to the President and CEO or a board member.

## **Investigation Procedures**

1. Employees:  
Should it be discovered that a potential conflict of interest or breach of this policy has occurred, an investigation may be conducted.

To the extent that is reasonably possible, the complaint, the names of the relevant parties and witnesses and the circumstances surrounding the complaint will be kept confidential. Information concerning an allegation or complaint under this policy may be provided to those college officials who have a need to know such information in order to perform their duties or carry out their responsibilities.

On a case-by-case basis, the appointment of an investigator whose duties will include the investigation of complaints, the purpose of which is to make a determination of whether a violation of this policy has occurred. The investigator may be internal or external as designated by the college, and must be appropriately trained to undertake such investigations under the Code.

Upon receipt of a filed written complaint, the office of the Vice-President People and Planning, will provide the respondent with a copy of the written complaint, as well as a copy of the Code and assign an investigator. The role of the investigator is to determine if a violation of the Code has occurred, and if it has, to recommend appropriate action to the President and CEO or the Board Chair depending on the nature of the complaint.

The Code will be interpreted, administered and applied in conformity with the principles of natural justice. In particular:

- a. All parties to a complaint will be advised of the provisions available to them under the terms of the Code;
- b. Any complainant who wishes the college to assist in the resolution of a complaint must be prepared to be identified to the respondent;
- c. The complainant must be given the opportunity to present information and/or materials in support of the allegations in a complaint;
- d. The respondent must be given the opportunity to present information and/or materials in response to the allegations in a complaint;
- e. During the investigation process, a party may be accompanied by a representative from their constituency organization (if applicable) or a support person. Because this is an internal review process of Lethbridge College, legal counsel of the individual or of Lethbridge College is prohibited from attending meetings that are held during any step of the process. The individual accompanying the party shall not be connected to the complaint;
- f. A complainant may withdraw his/her complaint at any time; and
- g. Either party to a complaint may object to the participation of a person in the administration of this policy on grounds of conflict of interest or reasonable apprehension of bias. Such objection should be promptly submitted in writing to the Vice-President People and Planning or designate, whose decision will be final.

Where the objection relates to the participation of the Vice-President People and Planning, the President and CEO (or designate) will make the final determination.

Following completion of the investigation, the investigator will report in writing, with recommendations for disposition of the complaint, to the President and CEO or Board Chair. A copy of the letter and associated recommendations will be provided to both the complainant and the respondent. Unless circumstances otherwise reasonably warrant, this letter will be issued within thirty (30) calendar days from the time the formal complaint was initially filed. The complainant and the respondent may submit written representations to the President and CEO or Board Chair with respect to the investigator's letter of recommendation.

The Board Chair or President and CEO will review the letter of recommendation and render a decision with regard to the complaint. Unless circumstances otherwise reasonably warrant, the Board Chair or President and CEO shall issue a decision within fifteen (15) calendar days from receipt of the investigator's letter of recommendation for disposition of the complaint.

All recorded personal information created under this policy will be treated as "supplied in confidence" for the purposes of compliance with the *Freedom of Information and Protection of Privacy Act* and responding to access requests under that legislation.

In accordance with the *Freedom of Information and Protection of Privacy Act*, confidentiality may not be maintained for matters that pose an imminent risk of a substantial and specific danger to life, health or safety of individuals or to the environment.

The college may be required to provide information and/or records obtained or created under this policy and the related procedures to an outside agency, such as police services or a court or tribunal, which has the legal right to require information otherwise protected by the *Freedom of Information and Protection of Privacy Act*.

Information concerning an allegation or complaint under the Code may be provided to those college officials who have a need to know such information in order to perform their duties or carry out their responsibilities under the Code.

Records of written complaints will be entered in the personal/personnel file of a complainant or respondent who is subject to disciplinary, remedial or corrective measure under the Code or under an applicable collective agreement.

The office of record for all records documenting cases under this policy is the office of the Vice-President People and Planning. At the conclusion of any investigation, separate files will be maintained in a secure central repository and will be retained in accordance with the college's **Records Management policy**.



Reprisal or retribution by an employee against an individual who brings forward a complaint under the Code or who participates as a witness under these procedures is strictly prohibited. Any person breaching this provision may be subject to disciplinary sanction or other appropriate action.

Any person who knowingly brings forward a complaint under the Code that is frivolous or vexatious may be subject to disciplinary sanction or other appropriate action.

No individual charged with responsibility under the Code, who carries out his/her duties in good faith and conscience, will be held personally liable for any action or claim arising out of their good faith in execution of those duties.

2. Board Members:

- a. Any investigations regarding a potential breach will be directed to the Governance and Human Resource Committee (GHRC) of the Board of Governors;
- b. The GHRC will follow a similar process as outlined for employees but will act as the authority and decision making body; and
- c. The GHRC will make a recommendation to the Board of Governors for further action including any appropriate notification to the Ethics Commissioner and/or the Minister of Advanced Education.

3. Board Chair and President and CEO

- a. If a conflict or breach of the Code is suspected, the Board Chair will investigate concerns relating to the President and CEO and the President and CEO will investigate concerns relating to the Board Chair.
  - On a case by case basis, the appointment of a qualified external party may be used for the investigation of complaints against the Board Chair or the President and CEO; and
  - The purpose is to determine whether a violation of the Code has occurred and warrants further investigation by The Office of the Ethics Commissioner.
- b. If a breach is identified, the concern will be directed to The Office of the Ethics Commissioner for an investigation as per section 23.94(1) "Investigations" of the Alberta *Conflicts of Interests Act*.

## **Disciplinary Procedures**

Violations of any provisions of the Code as determined through proper investigation may be subject to actions as follows:

1. Employees – disciplinary action up to, and including termination and/or legal sanctions.
  - a. Allegations that prove to be unsubstantiated and made maliciously or knowingly to be false will be viewed as a serious disciplinary offense and dealt with appropriately.
  - b. Reprisal or retribution by any employee against an individual who brings forward a complaint under the Code or who participates as a witness under these procedures is strictly prohibited. Any person breaching this provision may be subject to disciplinary sanction or other appropriate action.
2. Board members – where a breach of the Code has occurred, may result in disciplinary action up to and including removal from their appointment.
3. Board Chair and President and CEO – where a breach of the Code has occurred, may result in disciplinary action up to and including removal from their appointment.

### **Concurrent Appointments and Employment**

Pursuant to s. 23.922(2)(e)(ii) of the *Conflicts of Interest Act*:

Members and employees may take concurrent employment, including self-employment, or accept an appointment to another agency, board, or commission, unless such appointment or employment:

- a. Causes a real, apparent or potential conflict of interest;
- b. Is performed in such a way as to appear to be an official act of Lethbridge College, or to represent an opinion or policy of Lethbridge College;
- c. Interferes through telephone calls or in any other way with the member or employee's regular duties with Lethbridge College; or
- d. Involves the use of Lethbridge College's resource, premises and equipment, unless such use is authorized.

Prior to accepting any concurrent employment or appointment, employees must sign a conflict of interest declaration in writing to notify Human Resources about the nature of such concurrent employment or appointment. Human Resources must review the proposed employment or appointment for real or apparent conflicts of interest. If there is no real or apparent conflict of interest, Human Resources may approve the employment or appointment in writing. If there is a real or apparent conflict of interest, Human Resources must then, in writing, deny the employment or appointment or allow the employment or appointment and put procedures in place to manage the real or apparent conflict of interest.

Board Members must instead disclose any concurrent employment or appointment in writing to the Board Chair. The Board Chair will then review the employment or appointment, and provide a response in writing to the Board Member.

The President and CEO is subject to all of the above restrictions, and must also seek approval from the Ethics Commissioner to engage in an appointment, business, undertaking or

employment, including self-employment, other than their role with Lethbridge College. Approval will be documented and placed in the President and CEO's file, as applicable. These restrictions will be imposed on the current President and CEO of Lethbridge College on April 4, 2020, or when their contract or appointment is renewed or extended, whichever occurs first.

## **Gifts and Other Payments**

Pursuant to s. 23.922 (2d) of the *Conflicts of Interest Act*:

Board members and employees must not accept or receive gifts other than the normal exchange of gifts between friends or business colleagues or the normal presentation of gifts to people participating in public functions. Members and employees must not accept invitations to events that may create a real or apparent conflict of interest.

Anything that is given from a third party within a calendar year, without written permission, must not be more than:

### **1. Board Members and Employees**

- a. \$250 in gifts
- b. \$500 in invitations to events related to the work of Lethbridge College, including payment or reimbursement of events fees and travel costs for attending

### **2. President and CEO, Board Chair and Executives**

- a. \$1,000 for donors and friends of the institution
- b. \$500 for value of gifts received from a single supplier that is not considered a donor or friend of the institution

## **Additional Provisions for Board Chair**

### **1. Restrictions Against Furthering Private Interests**

Pursuant to s. 23.925 of the *Conflicts of Interest Act*, the Chair is subject to additional restrictions:

- a. The Chair must not take part in a decision in the course of carrying out his/her office or powers knowing that the decision might further a private interest of the Chair, a person directly associated with the Chair, or the Chair's minor or adult child;
- b. The Chair must not use his/her office or powers of influence or seek to influence a decision made by or on behalf of the Crown or a public agency to further a private interest of the Chair, a person directly associated with the Chair, or to improperly

- further any other person's private interests;
- c. The Chair must not use or communicate information not available to the general public that was gained by the Chair in the course of carrying out his/her office or powers to further or seek to further a private interest of the Chair or any other person's private interests; and
  - d. The Chair must appropriately and adequately disclose a real or apparent conflict of interest.

## **Additional Provisions for the President and CEO**

### **1. Restrictions Against Furthering Private Interests**

Pursuant to s. 23.925 of the *Conflicts of Interest Act*, the President and CEO is subject to additional restrictions:

- a. The President and CEO must not take part in a decision in the course of carrying out his/her office or powers knowing that the decision might further a private interest of the President and CEO, a person directly associated with the President and CEO, or the President and CEO's minor or adult child;
- b. The President and CEO must not use his/her office or powers of influence or seek to influence a decision made by or on behalf of the Crown or a public agency to further a private interest of the President and CEO, a person directly associated with the President and CEO, or to improperly further any other person's private interests;
- c. The President and CEO must not use or communicate information not available to the general public that was gained by the President and CEO in the course of carrying out his/her office or powers to further or seek to further a private interest of the President and CEO or any other person's private interests; and
- d. The President and CEO must appropriately and adequately disclose a real or apparent conflict of interest.

### **2. Restrictions on Holdings**

As set out in s. 23.93 of the *Conflicts of Interest Act*, the President and CEO must not own or hold a beneficial interest in publicly traded securities unless held in a blind trust or investment arrangement approved by the Ethics Commissioner or the Ethics Commissioner grants prior approval of the retention of the ownership or beneficial interest. Approvals must be granted in writing by the Ethics Commissioner.

Publicly traded securities must be managed within 60 days of a person becoming the President and CEO, s. 23.93 becoming applicable to the President and CEO, or the acquisition of publicly traded securities by gift or inheritance. The Ethics Commissioner may set out a longer period. These restrictions will apply to the current President and CEO of Lethbridge College on April 4, 2020, or when their contract or appointment is renewed or extended, whichever comes first. These restrictions will apply immediately to any newly hired or appointed President and CEO.

### **3. Disclosure Requirements**

As set out in s. 23.93 I of the *Conflicts of Interest Act*, within 60 days of becoming the President and CEO or of s. 23 .931 becoming applicable to the President and CEO, and in each subsequent year at a time specified by the Ethics Commissioner, the President and CEO must provide to the Ethics Commissioner, in a manner and form specified by the Ethics Commissioner, a full financial disclosure of the President and CEO's assets, liabilities, investments, holdings, and other interests and of the assets, liabilities, investments, holdings and other interests of the President and CEO's direct associates: spouses, adult interdependent partners, minor children, and any corporation or partnership that the President and CEO, his/her spouse, or his/her adult interdependent partner controls.

As set out in s. 23.932 of the *Conflicts of Interest Act*, the President and CEO also must provide a direct associate return to the Ethics Commissioner within 60 days of becoming the President and CEO or of s. 23.932 becoming applicable to the President and CEO.

The President and CEO must file an updated disclosure or direct associates return within 30 days of any material changes to a previous disclosure or direct associate return. The President and CEO also must file an updated direct associate return within 30 days of ceasing to be the President and CEO of Lethbridge College.

These restrictions and requirements will apply to the current President and CEO of Lethbridge College on April 4, 2020, or when their contract or appointment is renewed or extended, whichever comes first. These restrictions and requirements will apply immediately to any newly hired or appointed President and CEO.

### **4. Post-Employment Restrictions on the President and CEO**

As required by s. 23 .937 of the *Conflicts of Interest Act*, for 12 months after the last day they hold their position as CEO, the President and CEO:

- a. Must not lobby any public office holder, as defined in the *Lobbyists Act*;
- b. Must not act on a commercial basis or make representations on behalf of any party in connection with any ongoing matter in connection with which the President and CEO directly acted for or advised a department or public agency;
- c. Must not make representations with respect to or solicit or accept on his/her own behalf a contract or benefit from a department or public agency with which the President and CEO had a direct and significant official dealing; and
- d. Must not accept employment with an individual, organization, board of directors, or equivalent body of an organization with which the President and CEO had direct and significant official dealing.

The President and CEO may apply to the Ethics Commissioner for a waiver or reduction of a time period to these restrictions.

These restrictions will apply to the current President and CEO of Lethbridge College on April 4, 2020, or when their contract or appointment is renewed or extended, whichever comes first. These restrictions will apply immediately to any newly hired or appointed President and CEO.