



BOARD OF GOVERNORS
Governance, Nominations & Human Resources Committee (GNHR)

Thursday, May 14, 2020

2:00 p.m. – 4:30 p.m.

[Videoconference Only](#)

PUBLIC SESSION: 1.888.240.2560 (US Toll Free) Meeting ID: 254 757 606

Members: Francis Garwe (Chair), Doug Allingham, Laura Elliott, Mitch Frazer, Kori Kingsbury, Steven Murphy, Maria Saros, Trevin Stratton

Staff: Jamie Bruno, Becky Dinwoodie, Cheryl Foy, Lori Livingston

AGENDA

No.	Topic	Lead	Allocated Time	Suggested Start Time
	PUBLIC SESSION – 2:00 p.m.			
1	Call to Order	Chair		
2	Agenda (M)	Chair		
3	Conflict of Interest Declaration	Chair		
4	Chair's Remarks	Chair		
5	President's Remarks	Steven Murphy	10	2:05 p.m.
6	Governance:			
6.1	Board Engagement:	Cheryl Foy	20	2:15 p.m.
(a)	Annual Board & Committee Practices Assessments (P)(D)			
6.2	Annual GNHR Board Report* (M)	Cheryl Foy	10	2:35 p.m.
6.3	Policy Update:			
(a)	Pandemic Planning: Next Steps (U)	Cheryl Foy	15	2:45 p.m.
(b)	Report on Annual Review of Workplace Violence Policy* (U)	Jamie Bruno	5	3:00 p.m.
(c)	Annual Report on Student Sexual Violence Policy Implementation* (U)	Olivia Petrie	5	3:05 p.m.
7	Consent Agenda (M):	Chair	5	3:10 p.m.
7.1	Board schedule 2020-2021*			
7.2	Minutes of the Meeting of March 26, 2020*			
8	For information:			
8.1	Code of Ethics*			

D – Discussion

M – Motion

P – Presentation

U – Update

* Documents attached

No.	Topic	Lead	Allocated Time	Suggested Start Time
9	Other Business	Chair		
10	Adjournment (M)	Chair		3:15 p.m.
	BREAK		5	
	NON-PUBLIC SESSION – 3:20 p.m. (material not publicly available)			
11	Call to Order	Chair		
12	Conflict of Interest Declaration	Chair		
13	President's Remarks	Steven Murphy	15	3:20 p.m.
14	Nominations			
14.1	Board & Committee Leadership* (M)	Doug Allingham	5	3:35 p.m.
14.2	Committee Composition* (M)	Doug Allingham	5	3:40 p.m.
14.3	Board & LGIC Appointments* (M)	Cheryl Foy	10	3:45 p.m.
15	Human Resources			
15.1	Labour Relations & Human Resources Update* (M)	J. Bruno	15	3:55 p.m.
16	Consent Agenda (M):	Chair	5	4:10 p.m.
16.1	Minutes of the Meeting of March 26, 2020*			
17	Other Business	Chair		
18	<i>In Camera</i> Session			4:15 p.m.
19	Termination (M)	Chair		4:30 p.m.

Becky Dinwoodie, Secretary

Governance, Nominations & Human Resources Committee (GNHR)

2019-2020 Annual Report

2019-2020 Work Plan

MANDATE-DRIVEN PRIORITIES

Board Nominations & Recruitment

- LGIC appointments
- Board & leadership succession planning
- Annual election
- Board leadership & committee composition for 2020-2021

Board Professional Development & Education

- PD work plan

Human Resources

- Annual Pension Plan Report
- Collective bargaining
- Pension Plan amendments

2019-2020 Work Plan

MANDATE-DRIVEN PRIORITIES

Governance

- Terms of Reference review
- By-laws Implementation oversight
- Board engagement
- Development of Annual Committee Practices Assessment Process
- Engagement with Durham College Board of Governors
- Appointment of Governor to Academic Council
- Annual Governance Checklist
- Annual Board Practices Assessment
- Annual Report on Student Sexual Violence Policy implementation
- Policy work:
 - Workplace Violence Policy Review
- Bicameral Governance & Community Engagement
- Review of Standardized Orientation Material

Accomplishments

Board Recruitment

- Engaged in process to recommend appointment of two governors to succeed Doug Allingham and Nigel Allen.
- Continued engagement with pool of candidates developed during 2018 Board recruitment process.

Board Professional Development & Education

- Developed annual PD work plan.
- New student governor orientation with Academic Council in September 2019.
- Committee specific orientation for new committee members.

Accomplishments

Board Professional Development & Education

- Board members invited to participate in Colleagues Exchange on Digital Badges/Alternative Credentials.
- PD sessions: University Funding 101 & SMA3, Intellectual Property, Open Educational Resources, Partnerships

Governance

- Recommended update to GNHR Terms of Reference.
- Developed & implemented new annual Committee Practices Assessment.
- Engaged in strategic discussions on: Student Mental Health, Bicameral Governance & Internal Stakeholder Engagement.
- Conducted annual Board Practices Assessment & Committee Practices Assessment.

Accomplishments

Board Engagement

- Allocation of time during committee meetings for strategic discussions.

Human Resources

- Ratification of agreement with OPSEU, representing Administrative, Technical and Professional Staff.
- Amendment to Pension Plan Statement of Investment Policies & Procedures.
- Amendments to university's Pension Plan.
- Oversight of university's labour relations & human resources.

In Progress

Governance

- Continued implementation of By-law Nos. 1 & 2, which came into effect in September 2018.
- Continued oversight of OnBoard portal implementation, which was introduced in March 2019.
- Continued improvement of Board engagement.
- Continued focus on Board meeting efficiency, materials preparation & professional development.

In Progress

Policy

- Continued oversight of implementation of the Student Sexual Violence Policy and Procedures.
- Continued oversight of Policy Against Violence, Harassment and Discrimination in the Workplace 2018-2019.

Future Planning

Board Composition & Succession

- Continued development of strategic succession plan.

Board Professional Development & Education

- Further development of strategies to encourage Board engagement.
- Update standardized governor orientation & educational material for new governors.
- Continued incorporation of technology into Board meeting participation & educational material.

General Governance

- Continue to strengthen bicameral governance.
- Strengthen community engagement.

COMMITTEE/BOARD REPORT

SESSION:

Public
 Non-Public

ACTION REQUESTED:

Decision
 Discussion/Direction
 Information

Financial Impact Yes No

Included in Budget Yes No

TO: Board of Governors

DATE: May 14, 2020

PRESENTED BY: Jamie Bruno, AVP, Human Resources

SLT LEAD: Jamie Bruno, AVP, Human Resources

SUBJECT: Policy Review Update: Policy Against Violence, Harassment and Discrimination in the Workplace

BACKGROUND/CONTEXT & RATIONALE:

- The *Policy Against Violence, Harassment and Discrimination in the Workplace* was approved in December 2016, last reviewed in November 2018, and due for annual compliance review as of November 2019.
- The first step of the annual compliance review involved an internal analysis by the Human Resources department, which concluded this past October. Pursuant to the policy, the management group in Student Life was then requested to review the policy and offer feedback.
- Finally, the policy review process involved soliciting feedback and opinions from the joint health and safety committees at both our downtown and north campus locations.
- At the request of the one of the committees, the university considered the purpose and ambit of the policy review, and subsequently supplied numerical data related to complaints filed to facilitate the committee's review.
- Upon conclusion of the overall process and with consideration given to suggested revisions, it is my recommendation that the policy continues to comply with the expectations of the governing legislation, and contains appropriate and responsive measures to responsibly support the reporting and management of complaints. Thus, the policy should continue without revision at this time.
- Note: With the recent hiring of a Senior Disputes Resolution Officer/Human Rights Advisor, reporting to the University Secretary and General Counsel, discussions have taken place to review policy ownership moving forward.

IMPLICATIONS:

- The approval of the policy review will allow the University to continue to support staff in a responsible and responsive manner when managing a complaint under the policy.

NEXT STEPS:

- The University will continue its work to administer the provisions of this policy, and to record and review relevant information that will inform the next annual review.

COMMITTEE/BOARD REPORT

SESSION:

Public
Non-Public

ACTION REQUESTED:

Decision
Discussion/Direction
Information

Financial Impact Yes No

Included in Budget Yes No

TO: Governance, Nominations and Human Resources Committee,
Ontario Tech University Board of Governors

DATE: May 14, 2020

PRESENTED BY: Olivia Petrie, Assistant Vice-President, Student Life

SLT LEAD: Lori Livingston, Provost and Vice President Academic

SUBJECT: Update on Student Sexual Violence Prevention and Support

BOARD MANDATE:

This report provides data and information on measures that have been taken in 2019-20 related to sexual violence prevention and support at Ontario Tech University.

BACKGROUND/CONTEXT & RATIONALE:

Bill 132, Sections 17 (7) and (7.1) state that universities are to provide their Board of Governors with an annual report that contains the following information:

1. The number of times supports, services and accommodations relating to sexual violence were requested and obtained by students enrolled at the university, and information about the supports, services and accommodations.
2. Any initiatives and programs established by the university to promote awareness of the supports and services available to students.
3. The number of incidents and complaints of sexual violence reported by students, and information about such incidents and complaints.
4. The implementation and effectiveness of the policy.

ALIGNMENT WITH MISSION, VISION, VALUES & STRATEGIC PLAN:

The data and strategies outlined in the report are aimed at advancing the university's commitment to maintaining a healthy and safe environment for work and study.

CONSULTATION:

Data and information for this report was provided by Student Mental Health Services, Office of Campus Safety, Student Engagement and Equity, and Human Resources as these offices oversee the provision of support, training and programming related to the implementation of the Student Sexual Violence policy and procedures. In addition, the data and information was discussed by the Advisory Committee on Student Sexual Violence Prevention and Support at its meeting in March 2020.

COMPLIANCE WITH POLICY/LEGISLATION:

In accordance with Bill 132, Section 17 (7) and (7.1), the following information is being provided for the Board's information:

1. Supports, services and accommodations:

- Five Support Workers, through the university's Student Mental Health Services, provide assistance and accommodations to students who have experienced sexual violence. Since the closure of the university due to the pandemic, all support is being provided at a distance, by telephone or through video-conferencing. All counsellors participate in ongoing training in trauma-informed therapy and have experience working with survivors of sexual assault. In addition, an Outreach Worker in the residence works very closely with the Support Workers in providing onsite support for students living in residence.
- From May 1, 2019 to April 30 2020, 45 disclosures were received by the Support Workers from students who have experienced sexual violence, including recent incidents that may have occurred on or off campus, and those that occurred historically or during childhood.
- All students received additional support and accommodations, including the coordination of any or all of the following:
 - Academic accommodations (25 students)
 - Housing accommodations (2 students)
 - Other forms of support, such as referrals to community supports, other campus services, or advocacy groups (18 students)

- Within the institution, the following offices were consulted in the provision of support and accommodations: Student Accessibility Services, Campus Safety, Legal Counsel, the Campus Living Centre, International Education, Human Resources and several academic advisors and Deans.

2. Awareness and programming

In 2019-20, efforts to raise awareness and educate students about the policy, supports and services were largely driven by the student members of the Advisory Committee on Student Sexual Violence Prevention and Support in collaboration with the Student Engagement and Equity team in Student Life. Initiatives to raise awareness and educate on sexual violence included:

- **Equity Advocates:** Seventeen student ambassadors took on the role of Equity Advocates in 2019-20. This is a position where students identify areas in the campus community that need further development from an equity perspective, and create programming to address this. This year, the Equity Advocates developed initiatives to address gender based violence such as tabling for awareness regarding the 16 Days of Activism Against Gender Based Violence, awareness campaign regarding the Ecole Polytechnique tragedy, and an International Women's Day panel on the theme of "Each for Equal".
- **#WeGetConsent** - A #WeGetConsent campaign was launched during MyStart: Orientation this year and initiatives were held throughout the year to educate and inform on issues related to consent. These initiatives included tabling, a February Consent Week, social media threads, digital signage, an art contest, as well as giveaways such as pens, condoms, shirts and FRIES fries (in that consent is as easy as FRIES - it must be freely given, reversible, informed, enthusiastic and specific).
- **Staff and Faculty Training** – The AVP Student Life and the Senior Dispute Resolution Officer and Human Rights Advisor made presentations to all Faculties and some departments to provide an update on the Student Sexual Violence policy and how to best support students if they receive a disclosure. Presentations to front-line staff and departments will continue in Fall 2020. In addition, online training modules are available for faculty and staff to provide information about the sexual violence policies and procedures, and learn about the supports for employees and students who experience, or witness, sexual violence.
- **Committee Planning Day** – On February 21, 2020, the Advisory Committee held a planning day to review current services and initiatives and develop a plan for 2020-21. Some outcomes of the day included identifying areas where the policy may be amended, additional training objectives, extending community partnerships, and assessing the progress of the committee's work.
- **First Year Me** – As part of the September Orientation events, students attend a theatrical production at the Regent Theatre that leads students through the fictional lives of seven students who are beginning their first year at the university. The play focusses on the social aspects of being a university student, including dating and relationships, partying, academics and studying, and sexual violence. A de-brief after the play focuses on identifying the sexual violence supports that are available to students at the university, recognizing by-stander intervention strategies as they

relate to sexual violence, identifying victim blaming and supportive responses to disclosures of sexual violence, observing how consent relates to everyday life and to sexual activity, and recognizing the many aspects that contribute to the existence of rape culture. The play has been a key feature of orientation since 2013, and is attended by 1000-1200 first year students each year.

- **RISE: Sexual Violence Prevention** – In 2019-20, 325 students participated in the RISE (respect inclusivity and support equity) program and 38 students participated in supplementary workshops on sexual violence. The RISE program is a peer-led and facilitated series of workshops focusing on the development of by-stander intervention strategies. All students who take on the peer leadership role of Ambassador are required to complete the general RISE session that provides them with tools to intervene, prevent and address individual discrimination and harassment. The supplementary workshop focuses specifically on practical issues related to consent, gender-based violence and sexual violence, and how to prevent and respond to sexual violence in our community.
- **Project on Challenging Rape Culture in Varsity Sport** – Dr. Olga Marques continues to work with Varsity Athletics to deliver an educational module on sex and consent informed by the experiences, needs and voices of student-athletes at the university. The module will be included in the orientation and training camps for all varsity sports.
- **Self-Defense Classes** – Sixty-seven students participated in self-defense classes that were offered on a drop in basis from September 2019 to March 2020.
- **MTCU Student Voices on Sexual Violence** – In February 2020, the university received the detailed results of a climate survey on sexual violence that was conducted in February 2018 at all post-secondary institutions across Ontario. This survey was mandated by the Ministry of Training Colleges and Universities and designed to gather information about student sexual violence and help post-secondary educational institutions get a better understanding of sexual violence and the experiences, needs and concerns of students. The link to the detailed results is included in the reference materials.

The results of the survey were reviewed by the Advisory Committee on Sexual Violence Support and Prevention on March 31, 2020 and will be used to inform and guide its ongoing work to address the challenge of sexual violence on campus.

- **Partnership with DRCC** – The Student Life team is exploring ways to obtain additional funding to extend and enhance support for students in collaboration with the Durham Rape Crisis Centre, including support for survivors, education and awareness raising, as well as training and development for students, faculty and staff.

3. Reported incidents and complaints

- Of the 45 disclosures that were reported to the Support Workers, 3 were filed as complaints through the formal university procedure, and 5 were reported to the Durham Regional Police.

- 17 incidents were classified as having occurred in the last 12 months; 26 were classified as historical, and of these 14 incidents occurred during childhood.
- 34 incidents involved sexual assault (ranging from unwanted sexual contact to rape); 2 incidents involved verbal sexual harassment or threatening behaviour; 16 involved both sexual assault and verbal assault or threatening behaviour.
- 11 incidents were perpetrated by romantic partners; 9 were perpetrated by friends or neighbours; 16 were perpetrated by family members; and 8 were perpetrated by persons unknown to the complainant, with some students disclosing more than one incident. The remaining 7 were classified as “Other,” such as a student at another institution or individual in the local community.
- 2 incidents occurred on campus; 41 incidents occurred off campus.

4. The implementation and effectiveness of the policy

The Advisory Committee on Student Sexual Violence Prevention and Support, established in December 2017, is mandated to ensure that the university’s policies on sexual violence, and the support services, programming and training that sustain these policies, are reviewed on a regular basis and continuously improved upon. This year, the Committee was comprised of 8 students, 2 faculty, 4 staff from across the university and two alumni.

Over the past year, the Committee undertook a number of explorations and consultations to review and assess the effectiveness of the policy. Key among them are:

- A review of the report *Courage to Act*, a draft national framework for preventing and addressing gender-based violence at post secondary institutions and highlights promising practices to better meet the needs of our diverse university community. This document will help to assess how well the university’s efforts in this area align with best practice.
- A review of the detailed results of the Student Voices on Sexual Violence Climate Survey. This review will be ongoing through 2020.
- A planning day where time was spent on identifying possible policy and programmatic gaps.

A report from the Committee, summarizing its work along with any recommendations on policy amendments and other improvements, is in development and will be submitted to the Provost at the end of the academic year.

NEXT STEPS:

The Advisory Committee on Student Sexual Violence Prevention and Support will continue to advise and assess the university’s efforts to oppose sexual violence among students on campus through support, training and education.

SUPPORTING REFERENCE MATERIALS:

- Advisory Committee on Student Sexual Violence Prevention and Support – Terms of Reference <https://studentlife.uoit.ca/sexualviolence/policy.php#tab1-4>
- Sexual Violence Support and Education Website <https://studentlife.uoit.ca/sexualviolence/index.php>
- Student Voices on Sexual Violence Climate Survey <https://ontariosuniversities.ca/student-voices-on-sexual-violence-survey>

**ONTARIO TECH BOARD OF GOVERNORS
MEETING SCHEDULE 2020 - 2021**

COMMITTEE	DATE	TIME	ROOM
Audit & Finance Committee	November 25, 2020	2:00 - 5:00 p.m.	ERC 3023
Audit & Finance Committee	February 17, 2021	2:00 - 5:00 p.m.	ERC 3023
Audit & Finance Committee	April 14, 2021	2:00 - 5:00 p.m.	ERC 3023
Audit & Finance Committee	June 16, 2021	1:00 - 5:00 p.m.	ERC 3023
Board of Governors Retreat	tbd		
Board of Governors	December 2, 2020	12:00 - 5:00 p.m.	DTB 524
Board of Governors	February 25, 2021	12:00 - 5:00 p.m.	DTB 524
Board of Governors	April 22, 2021	12:00 - 5:00 p.m.	DTB 524
Board of Governors - AGM	June 24, 2021	9:00 a.m. - 3:00 p.m.	DTB 524
Governance, Nominations & Human Resources Committee	October 22, 2020	2:00 - 5:00 p.m.	ERC 3023
Governance, Nominations & Human Resources Committee	January 28, 2021	2:00 - 5:00 p.m.	ERC 3023
Governance, Nominations & Human Resources Committee	March 30, 2021	2:00 - 5:00 p.m.	ERC 3023
Governance, Nominations & Human Resources Committee	May 27, 2021	2:00 - 5:00 p.m.	ERC 3023
Investment Committee	November 12, 2020	2:00 - 4:00 p.m.	ERC 3023
Investment Committee	February 17, 2021	11:30 a.m. - 1:30 p.m.	ERC 3023
Investment Committee	June 2, 2021	11:30 a.m. - 1:30 p.m.	ERC 3023
Investment Committee	August 11, 2021	11:30 a.m. - 1:30 p.m.	ERC 3023
Strategy & Planning Committee	October 8, 2020	2:00 - 5:00 p.m.	ERC 3023
Strategy & Planning Committee	January 14, 2021	2:00 - 5:00 p.m.	ERC 3023
Strategy & Planning Committee	March 18, 2021	2:00 - 5:00 p.m.	ERC 3023
Strategy & Planning Committee	May 13, 2021	2:00 - 5:00 p.m.	ERC 3023
OTHER DATES			
CCOU Conference	Spring 2021	tbd	tbd
Convocation	Fall 2020 and June 10 & 11, 2021		Tribute Communities Centre



BOARD OF GOVERNORS

Governance, Nominations & Human Resources Committee

Public Session Minutes of the Meeting of Thursday, March 26, 2020
2:00 p.m. to 2:35 p.m.
Videoconference

- Members:** Francis Garwe (Chair), Doug Allingham, Laura Elliott, Steven Murphy
- Staff :** Jamie Bruno, Becky Dinwoodie, Cheryl Foy, Lori Livingston
- Regrets:** Kori Kingsbury, Trevin Stratton, Maria Saros
- Guests:** Chelsea Bauer & Christine McLaughlin (Ontario Tech FA)

1. Call to Order

The Chair called the meeting to order at 2:02 p.m.

2. Agenda

The Chair noted that a revised agenda was circulated earlier that week. A request was made to add an item to the non-public session regarding the 2020 Student Governor Election.

Upon a motion duly made by D. Allingham and seconded by L. Elliott, the Agenda was approved as amended.

3. Conflict of Interest Declaration

There was none.

4. Chair's Remarks

The Chair discussed the unprecedented circumstances facing everyone. The university community has stepped up to ensure our students and community are being supported. He reported that he has heard positive stories about the support being provided to international students during this time.

The Chair advised that in order to help get through this time, the Board and its committees will be focusing on items requiring approval and other priority matters. Recognizing that

individuals are dealing with other pressing demands and additional responsibilities, we want to minimize the time required for meetings.

5. President's Remarks

The President expressed his appreciation for the committee members attending the meeting. He acknowledged their volunteer contributions, which have been outstanding on the part of all governors.

The President reported that the faculty, staff and students are working incredibly hard to make the transition to online learning a lot smoother than what other institutions are dealing with. He acknowledged the entrepreneurial spirit of our faculty and students. Despite the fact that people are juggling many responsibilities and dealing with the stress of the pandemic itself, the community has come together and we are seeing the best of the human spirit coming out. The university is being flexible with academics, staff members, and students to ensure our students may finish the term while minimizing stress.

Efforts are being made to look at how the university can use its strengths to support the community and province. The President advised that there are two different groups working on face shields for the health sector and that one design was just approved by Health Canada. The university is also working with GM on ventilator production. This is important work, which is being done on a voluntary basis. Our nursing students are also ready to help out on the front lines. All of these initiatives demonstrate the university's "tech with a conscience". It is important to demonstrate our values in addition to talking about them. These initiatives show that our research matters and can be put into practice.

Both of the university's governance bodies are addressing the crisis by focusing on priority matters that need to be advanced in order to reduce the length of meetings. Academic Council will also be considering changes to its Steering Committee Terms of Reference to allow for timely decisions to be made.

The President responded to questions from committee members. There was a discussion regarding the team effort in designing and sourcing parts for the ventilators. L. Elliott thanked the President and staff for the work they are doing to keep the operations going and the generosity of the university community in helping out with the pandemic response.

6. Governance:

6.1 Board Engagement:

(a) Annual Board Practices Assessment

C. Foy reviewed the annual practices assessment process and asked for the committee's direction on whether the annual assessment should be conducted this year. Proceeding with the assessment would also provide Board members with an opportunity to give feedback on how they feel the pandemic is being handled by the university and offer

suggestions for improvement. The assessment results are also used to guide the Board priorities for the upcoming year. The committee supported proceeding with the annual assessment unless the pandemic situation escalates.

C. Foy advised the committee that in terms of governance, the university is at an advantage as we had already transitioned to BlueJeans video conferencing and the OnBoard portal while other institutions have been experiencing challenges with the switch to virtual meetings.

6.2 Policy Update:

(a) Pandemic Plan

C. Foy reported that the Office of the University Secretary and General Counsel (USGC) is using this time to continue priority policy work and advance key policies (e.g. Technology Use Policy, Code of Ethics, IP Policy, etc.). The USGC team is also focusing on training initiatives.

C. Foy discussed how the work the Board has undertaken on governance and risk management has put the university in a good position with respect to its pandemic response. A pandemic plan was already in place and only had to be updated. This preparedness allowed the senior leadership team to make quick decisions with respect to essential resources. Further, steps were taken several weeks ago to ensure staff had VPN access and could work from home. C. Foy attributed this to the “can do” attitude of all team members.

D. Allingham added that the university has a strong leadership succession plan in place in case members of the senior leadership team fall ill. He also commented that while it is not the Board’s role to be involved in the day to day operations of the university, the Board has the important responsibility to provide oversight and support. D. Allingham confirmed that the Board is aligned with management on the university’s short and medium term goals. If necessary, the Board could meet more frequently to provide support to the staff. It is integral to ensure the staff have adequate resources and support, including mental health support. D. Allingham encouraged the staff to reach out if they need support. It is also important to have an appropriate communications plan in place for students, staff, faculty, and government.

There was a discussion regarding the university’s business continuity plan and the extent of joint planning being done with Durham College.

7. Consent Agenda:

Upon a motion duly made by D. Allingham and seconded by L. Elliott, the items on the Consent Agenda were approved, as presented.

7.1 Amendment to Defined Contribution Pension Plan Statement of Investment Policies and Procedures

7.2 Minutes of the Meeting of January 16, 2020

8. For Information:
8.1 Annual Pension Plan Governance Report

9. Other Business

10 Adjournment

Upon a motion duly made by L. Elliott, the meeting adjourned at 2:36 p.m.

Becky Dinwoodie, Secretary

DRAFT

BOARD REPORT

SESSION:

Public

ACTION REQUESTED:

Decision
 Discussion/Direction
 Information

Financial Impact Yes No

Included in Budget Yes No

TO: Governance Nominations and Human Resources Committee

DATE: May 11, 2020

SLT LEAD: Cheryl Foy, University Secretary and General Counsel

SUBJECT: Draft Code of Ethical Conduct Policy Instruments – Consultation

COMMITTEE/BOARD MANDATE:

- GNHR’s mandate includes the establishment of human resources policy instruments. We ask for your consideration of and comments on the draft employee Code of Ethical Conduct policy instruments before they are presented to the deliberative body and approval authority established by the university’s Policy Framework.

BACKGROUND/CONTEXT & RATIONALE:

- Ontario Tech currently has no comprehensive code of ethical conduct for employees, relying instead on a variety of conflict of interest clauses embedded in existing policy instruments. The process for addressing conflicts of interest in each policy instrument may differ, as may the requirements for different types of employees.
- The university is regularly asked to represent in contractual agreements that it has a code of ethics.
- We have developed a draft code of ethical conduct policy and supporting procedures to create a framework for addressing conflicts of interest, the acceptance of gifts, the use of university resources, confidentiality, policy compliance, and other ethical considerations.
- We have conducted benchmarks against the policies of other Canadian universities. Our draft requirements regarding conflict of interest are in line with those of other institutions:
 - Requirement to disclose any conflicts of interest, potential conflicts of interest or apparent conflicts of interest: 12 of 13 institutions.
 - Disclosure of outside professional activity before accepting: 7 of 12 institutions.
 - Establishment of pre-approved categories of outside professional activity that are unlikely to present a conflict of interest: 2 of 12 institutions.

- Draft requirements regarding acceptance of gifts by employees that are common to most policies:
 - Language that prohibits the acceptance of gifts from entities or individuals with which the university is doing business: 10 of 12 institutions.
 - Prohibition on the acceptance of cash or cash equivalents (gift cards): 7 of 12 institutions.
- The development of this policy was driven in part by an acknowledgement that there is a policy gap related to acceptance of gifts by Ontario Tech employees. The language in most Ontario policies is drawn from the guidance given to public sector employees that allows only “nominal” gifts that are the “usual exchange of gifts between friends”. In our view, the lack of clear, understandable rules on gifts presents a risk of perceived or actual conflict of interest that could present reputational or financial risk to the university. For this reason, in developing the policy, we sought out examples of clear, understandable rules that can be used to differentiate between acceptable and unacceptable gifts. In general, Alberta institutions share a similar approach to addressing gift acceptance that:
 - Provides a specific threshold value for gifts, event invitations and conference invitations
 - Requires reporting of gifts
 - Prohibits the acceptance of cash or cash equivalents.
- This approach was adopted in our draft, in order to provide more concrete and understandable rules to implement the general guidance regarding “nominal gifts”. The reporting of gifts is a measure for ensuring compliance with the policy regarding acceptable gifts. Without disclosure, the university has no way of knowing the number, values, or cumulative values of gifts accepted by employees and cannot ensure oversight.

RESOURCES REQUIRED:

- Existing USGC resources will be used to implement the process for receiving and reviewing gift reports from the university and subsequent reporting to Board committees.

IMPLICATIONS:

- N/A

ALIGNMENT WITH MISSION, VISION, VALUES & STRATEGIC PLAN:

- This policy supports the university’s values of integrity and respect, honesty and accountability.

ALTERNATIVES CONSIDERED:

- N/A

CONSULTATION:

- Senior Leadership Team (May 11, 2020)
- Governance, Nominations and Human Resources Committee (May 14, 2020)
- Online Consultation (May 18 to June 1 2020)
- Policy Advisory Committee (May 19, 2020)
- Academic Council (May 26, 2019)
- Administrative Leadership Team (June 9, 2020)
- Audit & Finance Committee (Deliberation – June 19, 2020)

- Board of Governors (Approval – June 25, 2020)

Consultation Comments and Response

- Examine whether the draft policy is consistent with the collective agreement.
Response: We have conducted an additional review of relevant collective agreements and determined that the policy as currently drafted is consistent with the collective agreements. For additional clarity, we have added section 10.5 to note that conflicts of commitment will be reported in accordance with any applicable collective agreement
- We received comments that outlined important sources of funding, as well as examples of outside activities and gifts that should be allowable under the policy, even where they might seem to conflict with the rules on gift acceptance. This includes funding from, or roles with other universities, governments, crown corporations and agencies, NGOs, and international organizations. Roles with these organizations may include adjudication committee member, book series editor or journal editor, which would be examples of the type of service that is part of a faculty member's Service under the collective agreement, and may have a positive reputational impact on the university. Similarly, employees may have access to funding from these sources, such as visiting fellowships, research chairs, etc. at other institutions. Employees may also receive gifts such as training, conference admissions or multiple copies of textbooks that are not solely for the benefit of a single employee.
Response: We have clarified the application of the gift acceptance rules, by adjusting definitions and creating new defined terms: External Funding and Awards, University Administered Funding, University Gifts and Exempt Outside Activity. Funding falling into these categories would not be considered "gifts" for the purposes of the policy's gift rules. The example of visiting fellowships would fall under External Funding and Awards; the example of a gift in kind of conference attendance (not connected with speaking at the conference) may be considered a University Gift; and any funding that is administered by the university (for example funding connected to a research project) would fall into University Administered Funding. Any conflicts of interest would be addressed by the university's role as a party to any such funding agreement. The final category of Exempt Outside Activity is meant to address activities that constitute outside service that fall within the normal expectations for a faculty member, such as editing a journal, service as a program reviewer, etc.
- The university should not seek to limit the ability of faculty members from accepting prestigious positions with NGOs or governments, or to accept academic awards or honors. These positions, awards and honors enhance both the faculty member's career and the university's reputation. **Response:** We have added an additional criteria when evaluating a Conflict of Commitment in section 10, whether it benefits the profile of the university. This allows a supervisor to take into account the reputational benefit when determining whether a time commitment can be allowable under the circumstances.
- Faculty members that collaborate with industry partners are encouraged to use university resources. **Response:** Collaboration and relationship building with partners is a university activity. Some roles in the university may include specific duties such as promoting partnerships with industry or other parties. It is expected that university resources will be used in pursuing such activities. Where there is a formal collaboration agreement (events, outreach, research, etc.) fulfilling the terms of the agreement becomes a university activity. The terms of any agreement between the parties would normally define what university resources are expected to be used (including staff, physical resources, equipment, etc.).
- Ensure all relevant senior leadership positions are included in the definition of Senior Academic Administrator. **Response:** Our practice is to define senior academic administration positions by their functions, rather than by a specific title. This applies across committee terms of reference and policy instruments. There has been variability in the distribution of functional roles between the VP and AVP levels in recent years

(especially related to functions previously filled by the role of Associate Provost). For this reason, the role of VP Research and Innovation falls into the defined category “VP responsible for research”.

- **Additional Edits:** In order to accommodate the possibility of accepting gifts that would exceed the limits established in the policy, we have added section 13.7 e) that allows a gift to be accepted if a supervising Vice-President provides approval in writing.

COMPLIANCE WITH POLICY/LEGISLATION:

- *Freedom of Information and Protection of Privacy Act*, RSO 1990, c F.31
- Occupational Health and Safety Act, R.S.O. 1990, c O.1, as amended
- Human Rights Code, R.S.O. 1990, c. H.19

NEXT STEPS:

- Any comments or concerns raised at GNHR and other consultative bodies will be considered for revisions to the draft, and shared with the deliberative body and approval authority.
- The policy instruments will proceed for consultation with the bodies identified in the consultation section of this report.

SUPPORTING REFERENCE MATERIALS:

- Draft Code of Ethical Conduct Policy
- Draft Gift Registry Procedures
- Draft Code of Ethical Conduct Investigation Procedures
- Draft Conflict of Interest Procedures



Classification Number	LCG XXXX
Framework Category	Legal, Compliance and Governance
Approving Authority	Board of Governors
Policy Owner	University Secretary and General Counsel
Approval Date	DRAFT FOR CONSULTATION
Review Date	
Supersedes	

CODE OF ETHICAL CONDUCT POLICY

PURPOSE

1. The purpose of this Policy is to promote standards of ethical conduct that advance integrity and accountability, and support the University’s mission, vision and values.

DEFINITIONS

2. For the purposes of this Policy the following definitions apply:

“Confidential Information” means any information deemed confidential under University information security policies, non-public or proprietary University information, information expressly or implicitly shared in confidence, and any and all personal information as defined in the Freedom of Information and Protection of Privacy Act.

“Employees” means individuals, including students, who are employed by the University or holding an appointment with the University including paid, unpaid and/or honorific appointments.

“Expenses for Outside Activities” means travel and accommodation expenses incurred by an Employee in the completion of voluntary service (including voluntary service with payment of an Honorarium) to an entity other than the University.

“External Funding and Awards” means grants and funding such as research grants, fellowships, awards or honors that are awarded to an individual for academic merit and not administered by the University. These honors are not considered gifts for the purposes of this Policy.

“Exempt Outside Activities” means Related Outside Activities that constitute service to the employee’s discipline or to the University. This includes teaching in Ontario Tech Continuous Learning, being an external reviewer for a department at another university, being an external referee for a promotion or tenure case, acting as a peer reviewer for a granting agency or publisher, serving as editor of a journal in one’s area of expertise, serving as a local, regional, national or international representative on a professional organization and serving on a board of directors at the University’s request.

“Honorarium” means a voluntary payment of \$500 or less made to a person for services for which fees are not legally or traditionally required. [NTD: \$500 threshold from CRA]

“Report” means a written report made by a University Member under this Policy concerning any actual or perceived violation of this Policy where the report is:

- Made to a University Recipient;
- Based on a reasonable belief or information that the violation has occurred; and
- Not malicious, frivolous, vexatious and/or knowingly false.

“Related Person” means a spouse, common-law spouse, ~~same-sex domestic~~ partner, child, stepchild, sibling, parent, sister/brother-in-law, mother/father-in-law, niece, nephew, aunt, uncle, cousin, grandparent or grandchild of an Employee or an individual with whom an Employee has an ongoing or past romantic or sexual relationship. ~~In an intimate relationship~~

“Related Outside Activities” means activities which involve the same kind of specialized skills and knowledge that the employee uses in the employ of the University. Activities such as teaching at other post-secondary institutions, private contracts, consulting, professional practice, being an officer of a company whose business relates to the teaching/research interests of the faculty member and serving on a board of directors when not at the request of the University are examples of related outside activities.

"Reprisal" refers to the retaliation against, coercion, dismissal, threats or intimidation of any individual who in good faith: submits a Report, or participates in a related investigation under this procedure.

“Senior Academic Administrator” means a person who holds any of the following positions:

- Vice-President, Academic and Provost;
- Associate Provost;
- Dean;
- Vice-President with the designated responsibility for overseeing the University research function;
- Any other position as designated and approved in accordance with the University of Ontario Institute of Technology Act and By-Laws.

“University Administered Funding” means grants and funding such as research grants, fellowships, awards or honors that are awarded to an individual or a research project, and administered by the University in accordance with applicable research finance procedures. This type of funding is not considered a gift for the purposes of this policy.

“University Gift” means a voluntary gift of cash and/or kind, given to the benefit of the University. University Gifts are not subject to the value restrictions set out in this Policy, and will be accepted in accordance with the University’s Gift Acceptance Policy. [NTD: this could include gifts of training/conference invitations for non-speakers; gifts of text books]

“Unrelated Outside Activities” means activities which are distinct from the work done for the University by the employee, such as running an unrelated business, community work and volunteer work.

“University Member” means any individual who is:

- Employed by the University;
- Registered as a student, in accordance with the academic regulations of the University;
- Holding an appointment with the University, including paid, unpaid and/or honorific appointments; and/or

- Otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

“University Recipient” means the:

- Appropriate supervisor or manager;
- Chief Financial Officer (CFO) for a Report that is finance-related, or the Chair of the Audit and Finance Committee where the disclosure may implicate the CFO; or
- General Counsel (GC) for a Report that is non-financial, or the Chair of the Governance, Nominations and Human Resources Committee (GNHR) where the disclosure may implicate the GC.

“University Resources” means tangible or intangible property, facilities and/or assets purchased, leased or acquired by the University, or under the University's control, that are intended to foster or support the ongoing mission of the University.

“Unrelated Outside Activities” means activities which are distinct from the work done for the University by the employee, such as running an unrelated business, community work and volunteer work.

SCOPE AND AUTHORITY

3. This Policy applies to Employees of the University.
4. The University Secretary and General Counsel, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Policy.

POLICY

5. All Employees will act ethically and with integrity. Employees are responsible to the University for their actions, and decisions not to act, when they are representing the University.
6. **Compliance with Laws, University by-laws and Policies**
 - 6.1. Employees must be familiar with the compliance requirements that govern their work at the University. These include laws, University by-laws, policies, procedures and contractual commitments.
 - 6.2. Employees must, in good faith, adhere to compliance requirements in fulfilling their duties. Where there is a question about compliance, Employees are expected to seek guidance from their supervisors.
 - 6.3. Employees must complete all mandatory compliance training within six months of their start date and prior to engaging in any activities that require specialized training.
 - 6.4. University Members in regulated professions whose roles at the University consist of regulated professional activities must comply with all applicable codes or standards in all of their professional activities.
7. **Confidentiality and Privacy**

- 7.1. Employees may have access to Confidential Information in connection with the performance of their duties. Confidential Information must not be used or disclosed without direction. Disclosure of Confidential Information without a legitimate purpose is prohibited. Where there is a question about the disclosure or use of Confidential Information, Employees are expected to seek guidance from their supervisor.
- 7.2. Employees must be familiar with and comply with relevant laws and University policies and procedures pertaining to privacy and the access, use, modification, protection, and disclosure of personal information.

8. Conflict of Interest

- 8.1. To ensure public and professional trust and confidence, the University will deal with actual, potential, or perceived conflicts of interest in a consistent and transparent way.
- 8.2. A conflict of interest arises when an Employee's official power, duty or function provides an opportunity to further their private interests or those of a Related Person, friend or external organization, or to improperly further another person's private interests.
- 8.3. Employees must not act in self-interest or further their private interests by virtue of their position at the University or through fulfilling their University responsibilities.

~~8.3.~~

~~9. Potential Conflicts of Interest moved to Conflict of Interest Procedures~~

~~10.9. Addressing Conflicts of Interest~~

- ~~9.1.~~ In all cases where an Employee believes or suspects they may be in a real, potential or perceived conflict of interest, they must disclose it to their supervisor immediately.

~~10.1.~~

- ~~10.2.9.2.~~ Conflicts of interest disclosed under this policy will be resolved by the supervisor in accordance with the Procedure to Address Conflicts of Interest under this policy.

- ~~9.3.~~ Provided potential conflicts of interest can be mitigated in an approved mitigation plan, an individual may be permitted to remain involved in a situation with a potential conflict of interest.

~~10.3.~~

- ~~10.4.9.4.~~ **Related Persons:** A Related Person may apply for, and be considered for positions at the University. An Employee should not exercise any form of supervision or direct influence over a Related Person and should not be the sole decision-making authority for decisions related to hiring, tenure, promotions, renewal of contracts, performance evaluation, disciplinary procedures, salary considerations or confidentiality for a Related Person.

9.5. ~~Favors: from students under your supervision. No consent in a power based relationship.~~ Relationships with individuals under supervision: Employees hold a position of trust and power in their interactions with students and individuals who report to them. Relationships (including sexual and romantic relationships) must not jeopardize the effective functioning of the University by the appearance of either favoritism or unfairness in the exercise of professional judgment. Employees are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism or bias. Employees should exercise discretion when asking for favors from individuals under their supervision, due to the inherent power imbalance, as mutual consent may be in question.

10.5. ~~—~~

10.6-9.6. ~~Intimate Relationships:~~ The existence of an ~~intimate~~ sexual or romantic relationship between an Employee and a person who reports to them in an employment/supervisory relationship or who relies upon them for opportunities to further their academic or employment career must be disclosed, to their supervisor. Their supervisor will remove any ability to exercise any form of supervision or direct influence.

11.10. Concurrent Employment and Conflict of Commitment

11.1-10.1. A conflict of commitment occurs when an Employee's commitment to external activities adversely affects their capacity to meet University responsibilities, or results in a divided loyalty between the University and an external organization. Accordingly, the nature and extent of professional service, consulting and related work undertaken should complement the primary commitment of Employees to the University- and/or benefit the profile of the University. Concurrent employment must not detract from the University's right to full-time and efficient service from its full-time Employees.

10.2. Before an Employee accepts any Related Outside Activities or Unrelated Outside Activities that are not Exempt Outside Activities~~external activities~~ that may result in a Conflict of Interest or conflict of commitment, the Employee must report the potential employment or activity to the University to ensure that there is no Conflict of Interest or conflict of commitment.

11.2-10.3. Exempt Outside Activities do not need to be reported in advance, and an employee may accept an Honorarium for their service.

10.4. Any concurrent employment of a student who is an Employee does not need to be reported and will be deemed to have been preapproved.

11.3-10.5. Reporting of Conflicts of Commitment will be done in accordance with the established procedures, and in accordance with the relevant collective agreement where the employee is a member of a bargaining unit.

12.11. Political Activity

12.1-11.1. Employees are free to participate actively in the political process and the University upholds the right of every person to support political parties, political committees, and candidates of their choosing. Employees have the right to seek and

hold political office. The University requires that an Employee's efforts devoted to political activity:

- a) Not constitute a Conflict of Interest;
- b) Be outside of working hours;
- c) Be without contribution or other support from the University;
- d) Be without implied or official endorsement by the University due to the Employee's position at the University; and
- e) Not involve the use of University Resources.

13.12. Use of University Resources

13.1.12.1. Employees may only use University Resources for activities on behalf of the University and within their scope of responsibility.

13.2.12.2. Notwithstanding section XX.1, University Resources may be used for personal purposes in limited circumstances when permitted by an existing policy or where incidental personal use is reasonable in all of the circumstances.

13.3.12.3. The use of University Resources is prohibited where resources are used:

- a) To perform duties associated with outside-employment.
- b) In a way that impedes normal University activities.
- c) In a way that creates additional expense for the University.
- d) For the purposes of political campaigning.

13.4.12.4. Employees are required to treat University Resources with care and to adhere to laws and university policies and procedures regarding the acquisition, use, maintenance, documentation, and disposal of University Resources.

14.13. Accepting Gifts and Hospitality

14.1.13.1. This section addresses gifts and hospitality accepted by an individual Employee. For information related to ~~philanthropic gifts and fundraising accepted on behalf of the University~~University Gifts, see the Gift Acceptance Policy (LCG 1130).

14.2.13.2. Employees must not accept gifts or hospitality that are connected directly or indirectly with the performance of their University responsibilities or position, where a reasonable person might conclude that the gift could influence the Employee when performing their duties on behalf of the University. Employees must avoid the appearance of a Conflict of Interest due to the acceptance of gifts from entities involved in a business transaction with the University, or subject to a decision the Employee will make.

14.3.13.3. Acceptance of cash or cash equivalents as gifts is always strictly prohibited.

14.4.13.4. Tangible Gifts

Consistent with section XX.2, gifts may be accepted where they do not exceed a maximum value of \$250 for a single gift and are:

- a) The normal exchange of gifts between friends;

- b) Tokens exchanged as part of protocol;
- c) The normal presentation of gifts to persons participating in public functions, awards, speeches, lectures, presentations or seminars.

14.5.13.5. Hospitality and Expenses for Outside Activities

Consistent with section XX.2, reasonable hospitality and Expenses for Outside Activity, including meal-related expenses, may be accepted where it is the normal exchange of hospitality between persons doing business together, and would be otherwise allowable as a business expense claim under the University's Expense Policy and Procedure.

14.6.13.6. Maximum annual gift value

The cumulative maximum cash value limit for tangible gifts and hospitality permitted by this section from a single source in a calendar year is \$250500.

14.7.13.7. Event and Conference Invitations

- a) Individuals who are invited to attend a conference, workshop, seminar, etc. to speak, or participate on a panel are sometimes gifted with admission, registration, transportation, and accommodation costs as a condition of their participation. Where the participation relates to the Employee's University responsibilities or their major academic interests, the maximum cash value that may be accepted related to a single invitation is \$8,000. The cumulative maximum cash value limit for conference invitations permitted by this section from a single source in a calendar year is \$16,000.
- b) An Employee can accept an event invitation provided the value is \$500 or less. The cumulative maximum cash value limit for event invitations permitted by this section from a single source in a calendar year is \$500.
- c) The chair of the University's Board of Governors, the President, Senior Academic Administrators, Vice-Presidents, General Counsel or Assistant Vice-Presidents, can accept an event invitation from a donor or friend of the University provided the value is \$1,000 or less. The cumulative maximum cash value limit for event invitations permitted by this section from a single donor or friend of the university in a calendar year is \$2,000.
- d) Sections XX and XX do not apply to attendance at social events if attendance at the social event is sponsored by a charitable foundation, the Governor General of Canada, a provincial Lieutenant Governor, any Canadian federal, provincial, municipal or regional government or any member of any such government, a consul or ambassador of a foreign country or a not-for-profit organization, provided the not-for-profit organization is not constituted to serve management, union or professional interests and does not have for-profit enterprises or representatives of for-profit enterprises as a majority of its members.

~~d)e)~~ Where the value of an event or conference invitation would exceed the thresholds in section 13.7 a), b), or c), an employee's supervising Vice-President may approve, in writing, an increase in the threshold value for a specific gift. In considering the increase, the supervising Vice-President will

consider any potential, actual or perceived Conflict of Interest, as well as any reputational, academic or other institutional benefits.

14.8.13.8. The University will establish a procedure for reporting of gifts and hospitality received. The ~~university~~ University will maintain a registry of gifts and hospitality accepted by its Employees and provide a report to the Board of Governors each year.

15.14. Reporting and Investigation

15.1.14.1. Maintaining the ethical standards of this Policy is the responsibility of every Employee. Anyone who has observed or learned of a violation of this Policy should make a written Report to a University Recipient. Reports will be addressed in accordance with the University Investigation Procedure.

16.15. Protection from Reprisal

16.1.15.1. No University Member who makes a Report will be subjected to Reprisal, either directly or indirectly. The University will investigate and take all appropriate action to address allegations of Reprisal.

MONITORING AND REVIEW

17.16. This Policy will be reviewed as necessary and at least every three years. The University Secretary and General Counsel, or successor thereof, is responsible to monitor and review this Policy.

RELEVANT LEGISLATION

18.17. Occupational Health and Safety Act, R.S.O. 1990, c O.1, as amended
Human Rights Code, R.S.O. 1990, c. H.19
Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c F. 31

RELATED POLICIES, PROCEDURES & DOCUMENTS

19.18. Gift Registry Procedures (in development)
Code of Ethics Investigation Procedures (in development)
Conflict of Interest Procedures (in development)
Personal Use of University Resources Policy
Technology Use Policy
Harassment and Discrimination Policy and Procedure
Policy Against Workplace Violence, Harassment and Discrimination and related procedures
Information Security Policy
Procurement of Goods and Services Policy and Procedure
Supply Chain Code of Ethics

Fair Processes Policy

Safe Disclosure Policy and Procedures

Policies that address Conflicts of Interest in specific situations:

- Gift Acceptance Policy
- Use of Instructor-Produced Materials for Course Requirements Procedure
- The Conflict of Interest in Research Policy
- Expendable Funds Policy
- Statement of Investment Policies

DRAFT

Classification Number	<i>To be assigned by Policy Office</i>
Parent Policy	Code of Ethical Conduct Policy
Framework Category	Legal, Compliance and Governance
Approving Authority	Audit & Finance Committee
Policy Owner	General Counsel
Approval Date	DRAFT FOR CONSULTATION
Review Date	
Supersedes	

PROCEDURE TO ADDRESS CONFLICTS OF INTEREST

PURPOSE

1. The purpose of these Procedures is to provide a consistent process for supervisors to address conflicts of interest reported by their Employees.

DEFINITIONS

2. For the purposes of these Procedures the following definitions apply:

“Employees” means individuals, including students, who are employed by the University or holding an appointment with the University including paid, unpaid and/or honorific appointments.

“Conflict of Interest” means a situation where an Employee has an opportunity to exercise an official power, duty or function in a way that furthers his or her private interests or those of his or her relatives or friends or that improperly furthers another person’s private interests

SCOPE AND AUTHORITY

3. These Procedures apply to all Employees.
4. The General Counsel, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of these Procedures.

PROCEDURES

5. Responsibilities

5.1. Supervisors are responsible for:

- a) Receiving Conflict of Interest declarations from their Employees.
- b) Developing a mitigation plan to address a Conflict of Interest reported by an Employee.

5.2. Employees are responsible for:

- a) Immediately declaring any real, potential or perceived Conflict of Interest that arises to their supervisor in writing.

- b) Following the direction of any mitigation plan established under this procedure.

5.3. The Office of the University Secretary and General Counsel is responsible for:

- a) Advising on the development of Conflict of Interest mitigation plans.
- b) Reporting to the Board of Governors on Conflicts of Interest.

6. Conflict of Interest Reporting

6.1. Employees will declare any Conflict of Interest in writing. A supervisor who receives a declaration of Conflict of Interest will determine whether the declaration amounts to a real, potential or perceived Conflict of Interest and the significance thereof. In making this determination, the supervisor will consider:

- a) The type or extent of the Employee's interest;
- b) The significance of the University's decision or activity;
- c) The extent to which the Employee's other interest may specifically affect the University's decision or activity;
- d) The nature or extent of the Employee's involvement in the University's decision or activity.

6.2. The Office of the University Secretary and General Counsel can provide advice and guidance to a supervisor in this determination.

7. Mitigation plan

7.1. The supervisor will determine whether the conflict of Interest can be mitigated, guided by applicable University policy instruments, and applicable legislation. If not, the Employee will be advised that they cannot engage in the activity declared. The Office of the University Secretary and General Counsel can provide advice and guidance to a supervisor in this determination.

7.2. The mitigation plan will document the Conflict of Interest, whether it is real, potential or perceived, and provide direction on how to mitigate areas of Conflict of Interest. The plan will consider and be proportional to the type of conflict of interest involved (e.g. real, potential or perceived), the extent to which the Employee might be inappropriately influenced and the harm that is likely to result from such influence or the perception of such influence. The plan may do so by one or more of the following means:

- a) Taking no action;
- b) Enquiring as to whether all affected parties will consent to the Employee's involvement;
- c) Seeking a formal exemption to allow participation (if such a legal power applies);
- d) Imposing additional oversight or review over the Employee;
- e) Withdrawing from discussing or voting on a particular item of business at a meeting;

- f) Exclusion from a committee or working group dealing with the issue;
- g) Re-assigning certain tasks or duties to another person;
- h) Agreement or direction not to do something;
- i) Withholding certain confidential information, or placing restrictions on access to information;
- j) Transferring the Employee (temporarily or permanently) to another position or project;
- k) Relinquishing the private interest; or
- l) Resignation or dismissal from one or other position or entity.
- m) Removing the Employee from a supervisory position over an individual where there is a Conflict of Interest.

7.3. Conflict of Interest mitigation plans will be approved by the Vice-President of the applicable organizational area, or where the Conflict of Interest involves a member of the Senior Leadership Team, the Audit and Finance Committee.

8. Scenarios involving Conflict of Interest

- 8.1. **Intimate Relationships:** When an Employee engages in an intimate relationship with a person who reports to them in an employment/supervisory relationship or who relies upon them for opportunities to further their academic or employment career. The supervisor will remove any ability to exercise any form of supervision or direct influence.
- 8.2. **Interest in any Concern:** When an Employee or a Related Person works for or has a substantial financial interest in any concern that does business or seeks to do business with the University. The supervisor may remove the Employee from any role involved in evaluating bids, or negotiating with the concern.
- 8.3. **Representation by Related Person:** When an Employee is representing the University in a transaction and a Related Person is representing the other Concern. The supervisor may remove the Employee from any role involved in evaluating bids, or negotiating with the concern.
- 8.4. **Inappropriate Use of Information:** Use or communication by an Employee of Confidential Information obtained in the course of University related activities or as a result of their position at the University for personal gain or other unauthorized purposes. The supervisor may require the Employee to sign a confidentiality agreement relating to information obtained in the course of official duties.
- 8.5. **Political activity** When an Employee uses their position with the University in a political campaign to imply that they have the support or endorsement of the University. The supervisor may require the Employee to take a leave of absence during the campaign period for provincial or federal campaigns.

9. Reporting

- 9.1. Approved mitigation plans will be forwarded to the Office of the University Secretary and General Counsel. The Office of the University Secretary will report to the Audit and Finance Committee on Conflicts of Interest.

MONITORING AND REVIEW

10. These Procedures will be reviewed as necessary and at least every three. The Policy Advisor, or successor thereof, is responsible to monitor and review these Procedures.

RELEVANT LEGISLATION

11. Legislation 1
Legislation 2
Legislation 3

If no associated legislation use the text “This section intentionally left blank”.

RELATED POLICIES, PROCEDURES & DOCUMENTS

12. Associated Document 1
Associated Document 2
Associated Document 3



Classification Number	<i>To be assigned by Policy Office</i>
Parent Policy	Code of Ethics
Framework Category	Legal, Compliance and Governance
Approving Authority	Audit and Finance Committee
Policy Owner	University Secretary and General Counsel
Approval Date	DRAFT FOR CONSULTATION
Review Date	
Supersedes	

GIFT REGISTRY PROCEDURES

PURPOSE

1. The purpose of these Procedures is to establish a process for reporting gifts received by Employees and documenting those gifts to ensure compliance with the Code of Ethical Conduct.

DEFINITIONS

2. For the purposes of these Procedures the following definitions apply:

“Employees” means individuals, including students, who are employed by the University or holding an appointment with the University including paid, unpaid and/or honorific appointments.

“Gifts” means Tangible Gifts, Hospitality, or Invitations given to Employees.

“Tangible Gift” means tangible goods given by an external party in connection with an Employee’s University responsibilities or position.

“Hospitality” means meals, accommodations, entertainment or similar given by an external party in connection with an Employee’s University responsibilities or position or major academic interests.

“Invitation” means an invitation from an external party to attend or speak at an event, workshop, conference or similar and may include of admission, registration, transportation and/or accommodation costs.

SCOPE AND AUTHORITY

3. These Procedures apply to Employees of the University.
4. The General Counsel, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of these Procedures.

PROCEDURES

5. Responsibilities

- 5.1. **Office of the General Counsel** is responsible for:

- a) Developing an online form for submission of Gift details and maintaining a Registry of Gifts.
- b) Providing advice to supervisors on the acceptance of gifts.
- c) Annual compliance reporting under these procedures.

5.2. Unit Supervisor is responsible for:

- a) Reviewing Gifts reported by their Employees.
- b) Determining whether Gifts are consistent with the Code of Ethical Conduct.

5.3. Employees are responsible for:

- a) Reporting Gifts received using the prescribed means.
- b) Understanding the rules regarding acceptable gifts under the Code of Ethical Conduct and seeking advice when necessary.

6. Reporting of Gifts

6.1. All Gifts received by an Employee will be reported to their immediate supervisor as soon as possible. The supervisor will determine if the gift is consistent with section XX of the Code of Ethical Conduct Policy. The supervisor will consider whether:

- a) The Gift is a University Gift that can be accepted in accordance with the Gift Acceptance Policy.
- b) The value exceeds the maximum allowable.
- c) The Employee is directly involved in transactions or other activities with the source that would give rise to a perceived Conflict of Interest.
- d) The Employee's attendance at an event would be of benefit to the University due to increased public profile, training or development of the Employee, or strengthening of institutional partnerships.
- e) The gift is consistent with Procurement Policy, related procedures and the Supply Chain Code of Ethics.
- f) Hospitality would be otherwise allowable as a business expense claim under the University's Expense Policy and Procedure.

6.2. Tangible Gifts inconsistent with section XX of the Code of Ethical Conduct Policy should not be accepted, or, if accepted, should be returned. Where returning a Tangible Gift would be considered a breach of protocol or would give offense, disposal by donation to a non-profit organization or similar should be considered.

6.3. Hospitality inconsistent with section XX should not be accepted.

6.4. A supervisor may contact legal@ontariotechu.ca for advice when making determinations based on section XX of the Code of Ethical Conduct Policy.

7. Registry of Gifts

- 7.1. The Office of the General Counsel will maintain a Registry of Gifts to track Tangible Gifts, Invitations and Hospitality received by Employees.
- 7.2. The Office of the General Counsel will create an online form for submitting information on Gifts received by Employees. The following information is required:
 - a) Value (or estimated value) of Gift
 - b) Type of Gift
 - c) Source of Gift
 - d) Date of Gift
 - e) Recipient of Gift
 - f) Unit of Recipient
 - g) Supervisor
- 7.3. Gifts should be reported to the Office of the General Counsel within a month of receipt.
- 7.4. An annual report on Gifts received will be submitted by the Office of the General Counsel to [the Audit and Finance Committee] as part of compliance reporting.

MONITORING AND REVIEW

8. These Procedures will be reviewed as necessary and at least every three years. The [insert position/committee], or successor thereof, is responsible to monitor and review these Procedures.

RELEVANT LEGISLATION

9. Legislation 1
Legislation 2
Legislation 3

If no associated legislation use the text "This section intentionally left blank".

RELATED POLICIES, PROCEDURES & DOCUMENTS

10. Code of Ethical Conduct Policy
Code of Ethical Conduct Investigation Procedure
Procurement of Goods and Services Policy and Procedure
Supply Chain Code of Ethics



Classification Number	<i>To be assigned by Policy Office</i>
Parent Policy	Code of Ethical Conduct Policy
Framework Category	Legal, Compliance and Governance
Approving Authority	Audit and Finance
Policy Owner	General Counsel
Approval Date	DRAFT FOR CONSULTATION
Review Date	
Supersedes	

UNIVERSITY INVESTIGATION PROCEDURES

PURPOSE

1. The purpose of these Procedures is to establish a consistent process for conducting an investigation of a disclosure under the Safe Disclosure Policy or a report of a violation of the Code of Ethical Conduct Policy by a University Employee.

DEFINITIONS

2. For the purposes of these Procedures the following definitions apply:

“**Appellant**” means a Respondent that has submitted a notice of appeal under these Procedures.

“**Conflict of Interest**” means a situation where an Employee is in a position to use authority, research, knowledge or influence for personal gain, or to benefit a Related Person or external organization to the detriment of the University.

“**Disclosure**” means a written report made by a University Member under the Safe Disclosure Policy concerning any actual or perceived Improper Activity where the report is:

- Made to a University Recipient;
- Based on a reasonable belief or information that the Improper Activity has occurred, or could potentially occur; and
- Not malicious, frivolous, vexatious and/or knowingly false.

“**Employees**” means individuals, including students, who are employed by the University or holding an appointment with the University including paid, unpaid and/or honorific appointments.

Commented [NO1]: Students may also have consequences under student conduct

“**Report**” means a written report made by a University Member under this Procedure concerning any actual or perceived Improper Activity where the report is:

- Made to a University Recipient;
- Based on a reasonable belief or information that the violation has occurred, or could potentially occur; and
- Not malicious, frivolous, vexatious and/or knowingly false.

“**Improper Activity**” means an act of misconduct that a University Member knew or should reasonably have known to be wrong or inappropriate. Improper Activity includes, but is not limited to:

- Significant financial misconduct or mismanagement;

- Theft, fraud, and/or misappropriation of University assets;
- Significant contravention of University policies and procedures;
- Violation of the University's legal or regulatory obligations;
- Forgery, falsification, and/or inappropriate alteration or destruction of University records (paper and electronic);
- Making a disclosure that is not in Good Faith.
- The act of concealing, or attempting to conceal, Improper Activity, and/or knowingly directing or assisting in the commission or concealment of Improper Activity, will also be considered a form of Improper Activity under this Policy.

"Innocent Violation" means an Improper Activity that is inadvertent or where the University Member could not reasonably be expected to have known the Improper Activity is a form of misconduct.

"Investigator" means an individual appointed to investigate by a Designated Decision-Maker.

"Personal Information" means information about an identifiable individual, as defined in s. 2 of FIPPA, as amended from time to time.

"Reprisal" refers to a retaliation, coercion, dismissal, threats or intimidation of anyone who in good faith: submits a Report, or participates in a related investigation under this procedure.

"Reporting Party" means a University Member who makes a Report.

"Respondent" means an Employee named as a subject of a Report.

"University Recipient" means the:

- Appropriate supervisor or manager;
- Organizational Area Vice-President, where the disclosure may implicate the appropriate supervisor or manager.

SCOPE AND AUTHORITY

3. These Procedures apply to all Employees of the University.
4. Under the Policy Framework, where there is a conflict between these Procedures and an existing collective agreement between the University and one of its bargaining units, the collective agreement will prevail.
5. Reports of conduct that would constitute harassment, violence, sexual violence, or discrimination will be investigated and addressed under the Policy Against Harassment, Violence and Discrimination in the Workplace or the Harassment and Discrimination Policy, as applicable.
6. The University Secretary and General Counsel, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of these Procedures.

PROCEDURES

RECEIVING REPORTS OF VIOLATIONS OF THE CODE OF ETHICAL CONDUCT POLICY

7. Making a Report

- 7.1.** Any individual who has evidence of a violation of the Code of Ethical Conduct Policy may make a Report to a University Recipient. Where the violation involves the President or an organizational area Vice-President, the Report should be submitted in accordance with the Safe Disclosure Policy and Procedure.
- 7.2.** A Report will be provided in writing, signed, and will include a brief summary of the evidence or basis for the belief that a violation has occurred, as well as the names of the University Members involved.
- 7.3.** Reports may be submitted anonymously noting that the ability to investigate or address a Report may be hindered by a Complainant remaining anonymous.

8. Receiving a Report

- 8.1.** Upon receipt of a Report, a University Recipient will forward it to the appropriate organizational area Vice-President. The Vice-President will determine, in consultation with others as necessary, whether the allegation, if true, would constitute a violation of the Code of Ethical Conduct Policy.
- 8.2.** If the allegation set out in the Report would not, if true, amount to a violation, the Vice-President will respond to the Reporting Party in writing, usually within 60 days, advising that the Report has been reviewed, and that the information provided does not support an allegation of a violation of the Code of Ethical Conduct Policy.
- 8.3.** The Reporting Party will also be advised that the Vice-President may reconsider the Report if additional and significant information is provided. If there is another process or resource at the University that would be more appropriate for the subject matter of the Report, the Reporting Party will be advised of this alternative process.

9. Decision to Proceed with an Investigation

- 9.1.** In cases where a Report would, if true, constitute a violation of the Code of Ethical Conduct Policy, the Vice-President will decide whether to proceed with a formal investigation, or to attempt an informal resolution. Where the alleged conduct is serious, where there are indications of a repeated course of conduct, or where the alleged conduct is considered Improper Activity, an informal resolution is not appropriate.
- 9.2.** If a University Recipient decides to proceed with an investigation, they will consult with the Senior Dispute Resolution Officer and Human Rights Advisor in the Office of the University Secretary and General Counsel who will appoint an Investigator.

CONDUCTING AN INVESTIGATION UNDER THE CODE OF ETHICAL CONDUCT POLICY AND THE SAFE DISCLOSURE POLICY

10. Investigation Process

- 10.1.** Under no circumstances will an investigation be conducted or overseen by an individual who was directly involved in the events in issue, or by an individual whose involvement would give rise to a Conflict of Interest or a perception of a Conflict of Interest. No individual who was involved in or who has a personal stake in the events in issue will be involved in an investigation (other than as a witness).
- 10.2.** In addressing a Report, the Investigator will establish an investigation process that is appropriate in the circumstances and that maintains the procedural rights granted in collective agreements to any individuals involved in the Report. This process will be summarized in written form and distributed to the Respondent. At a minimum, any investigation will provide a reasonable opportunity for the parties to understand the allegations, and to submit relevant information.

11. Determination and Corrective Action

- 11.1.** The Investigator will be charged with providing an opinion, based upon a review of the totality of the evidence (including the Respondent's evidence and submissions), whether misconduct occurred and whether the misconduct is considered Improper Activity or an Innocent Violation, based on a balance of probabilities. The Investigator will ensure that the results of the investigation are brought to the attention of, and reviewed by, the Vice-President.
- 11.2.** Human Resources will advise the Vice-President with respect to appropriate corrective measures, if any, to be taken, including measures aimed at preventing Reprisal, where appropriate. Corrective measures may include non-disciplinary actions (e.g. education) or disciplinary measures (e.g. a written reprimand, a suspension or termination).
- 11.3.** The final determination regarding the outcome of the investigation and the recommended corrective actions will be made by the Vice-President, or in the case of a Disclosure, in accordance with section 7.4 of the Safe Disclosure Procedure.
- 11.4.** Employees that are members of a bargaining unit will have any corrective measure(s) imposed in accordance with applicable collective agreement requirements.
- 11.5.** Once a decision has been reached, the Vice-President will notify the Respondent, in writing, of its decision, including reasons (if any) and recommendations (if any) with respect to the violation. The written decision will clearly indicate any corrective measures.
- 11.6.** The investigation and review process will be conducted expeditiously. All reasonable attempts will be made to protect the privacy of the Reporting Party and Respondent at all material times during and after the review process.

12. Confidentiality

- 12.1.** Information collected under this Procedure will be used only for the purposes of administering this Procedure and related processes, and may be disclosed only on a

need-to-know basis to the extent required to fulfill the University's legal obligations. Personal Information collected, used and disclosed under this procedure will otherwise be kept confidential.

- 12.2.** All individuals involved in this Procedure will be advised of their duty to maintain the confidentiality of all information disclosed to them in this Procedure, including any Personal Information disclosed to them.
- 12.3.** Except as required under these procedures, or as otherwise required by law, investigation reports created under this procedure will not normally be disclosed or produced to a Reporting Party, Respondent or witness. Reporting Parties, and Respondents who are Employees, will, however, be advised of the outcome of the investigation, and the corrective actions if any.

13. Right to an Advisor/Support Person

- 13.1.** Respondents who attend an interview in an investigation under this procedure may be accompanied by one advisor/support person. The role of an advisor/support person is to assist the individual by providing procedural information, to ask questions regarding the investigation process and to provide moral support. Individuals who choose to attend an interview with an advisor/support persons will choose their own advisor/support person and will notify the Investigator of their advisor/support person's name at least 24 hours prior to the interview. In the case of an Employee who is a member of a bargaining unit, the advisor/support person may be a union representative. During the interview, an advisor/support person will be permitted to speak and ask questions regarding the investigation process, but will not be permitted to make legal submissions or arguments on behalf of the individual, or to disrupt the interview. In any event, individuals who are being interviewed must answer the interview questions themselves.

14. Appeal

- 14.1.** The Respondent has a right to appeal the decision and/or disciplinary penalties imposed by the Vice-President under one or both of the following grounds:
 - a)** New evidence exists that was not available to the Respondent at the time of the original decision (through no fault of their own) that, if considered would likely have altered the outcome of the decision; or
 - b)** There was a fundamental flaw in the investigation or decision-making procedures that led to the decision, resulting in a lack of Administrative Fairness.
- 14.2.** A notice of Appeal must be submitted in writing, and must set out the specific grounds on which the appeal is being made and provide a summary of evidence in support of these grounds to the Senior Dispute Resolution Officer and Human Rights Advisor in the Office of the University Secretary and General Counsel within ten (10) Working Days of the date of the Decision.
- 14.3.** The Senior Dispute Resolution Officer and Human Rights Advisor will appoint an Appeal Officer to conduct the appeal.

- 14.4.** If, after considering the written submissions, the Appeal Officer finds that the case does not meet the grounds for appeal set out in Section XX, the Appeal Officer will dismiss the Appeal or Review within five (5) Working Days of receipt of the Appeal. Otherwise an appeal hearing will be conducted.

15. Appeal Hearing

- 15.1.** Appeal hearings will normally be conducted in writing as follows:

- a)** The Appeal Officer will provide a copy of the notice of appeal and any new supporting evidence to the Vice-President, or delegate.
- b)** The Vice-President, or delegate will have ten (10) Working Days to provide the Appeal Officer with a written response to the Appeal. A copy of the written response will be provided to the Appellant.
- c)** The Appellant will have ten (10) Working Days to provide the Appeal Officer with a final written response. A copy of this response will be provided to the Vice-President, or delegate.
- d)** The Appeal Officer will normally issue a written decision to the Appellant and the Vice-President, or delegate within ten (10) Working Days of their receipt of the Appellant's final written response. The decision will provide the reasons in support of the decision.

- 15.2.** The time limits specified under these procedures may be extended by the Appeal Officer at the request of the Appellant or the Vice-President, or delegate, if reasonable grounds are shown for the extension.

16. Protection from Reprisal

- 16.1.** Any Reprisal for making and pursuing a Report under this Procedure is itself considered a breach of the Code of Ethical Conduct Policy. Any individual experiencing Reprisal may file a Report, and that Report will be processed under this procedure.

MONITORING AND REVIEW

- 17.** These Procedures will be reviewed as necessary and at least every three years. The University Secretary and General Counsel, or successor thereof, is responsible to monitor and review these Procedures.

RELEVANT LEGISLATION

- 18.** Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c F. 31

RELATED POLICIES, PROCEDURES & DOCUMENTS

- 19.** Code of Ethical Conduct Policy
Harassment and Discrimination Policy and Procedures

Policy Against Violence, Harassment and Discrimination in the Workplace, and related procedures

Fair Processes Policy

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