



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	

## 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, 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.

**“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.

## 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.
- 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.
- 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. **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.

- 9.6.** The existence of a 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.

## **10. Concurrent Employment and Conflict of Commitment**

- 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 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.
- 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.
- 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.

## **11. Political Activity**

- 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.

## **12. Use of University Resources**

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

## **13. Accepting Gifts and Hospitality**

- 13.1.** This section addresses gifts and hospitality accepted by an individual Employee. For information related to University Gifts, see the Gift Acceptance Policy (LCG 1130).
- 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.
- 13.3.** Acceptance of cash or cash equivalents as gifts is always strictly prohibited.

### **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.

### **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.

### **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 \$500.

**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.
- 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.

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

**14. Reporting and Investigation**

- 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.

## **15. Protection from Reprisal**

- 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**

- 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**

- 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**

- 18.** Gift Registry Procedures (in development)  
University 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