
Code of Conduct

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Policy Statement

The British Columbia Institute of Technology (“BCIT” or “Institute”) is committed to providing a learning and working environment characterized by respect for others, honesty, and professionalism. BCIT requires individual conduct that meets the highest standards of ethics and integrity. Employees must treat other people in the workplace with respect and dignity, and must not exploit a work relationship for private advantage or benefit.

Employees are in a position of trust and must act in the best interests of BCIT in fulfilling their responsibilities. Employees are expected to exhibit the highest standards of ethical conduct and to not bring the reputation of the Institute into disrepute. Accordingly, employees must ensure their private affairs do not create actual or perceived conflicts of interest, and must avoid situations that violate this Code of Conduct (“Code”) or that could be publicly perceived as violating it.

Employees are encouraged to discuss any uncertainty about the appropriate course of action, or any questions or concerns about the Code, with their supervisor or manager. If an employee feels this is not appropriate for any reason, they may instead contact their Human Resources Business Partner or Union Representative.

The objectives of this policy are to describe the standards of conduct expected of employees and to establish related employer and employee responsibilities. All employees must be familiar with the Code and all related policies and procedures. Employees who breach this or any other policy may be subject to disciplinary action up to and including termination.

Purpose of Policy

The purposes of this Policy are to:

- complement existing BCIT policies and procedures, regulations, collective agreements, terms and conditions of employment, and any applicable professional codes;
- educate employees about compliance with provincial and federal legislation, regulations, and other contractual or legal obligations that affect how to carry out their duties;
- require all actual, potential, or perceived conflicts of interest to be disclosed and dealt with in a timely and appropriate manner; and,
- assist employees in recognizing actual, potential, or perceived conflicts of interest so they can act in good faith to disclose and participate in resolving them.

Who This Policy Applies To

This policy applies to all BCIT employees.

Related Documents and Legislation

Policies:

Policy 1100, Whistleblower
Policy 1200, Fraud
Policy 3501, Acceptable Use of Information Technology
Policy 3502, Information Security
Policy 6600, Integrity in Research
Policy 6601, Intellectual Property
Policy 6701, Records Management
Policy 7000, Gift Acceptance
Policy 7003, Advertising Policy
Policy 7170, Protection of Equipment, Property and Information
Policy 7506, Use of Materials Protected by Copyright
Policy 7507, Harassment and Discrimination
Procedure 7100-PR1, Response to Abusive or Threatening Behaviour

Legislation (Provincial):

College and Institute Act, RSBC 1996, c 52
Freedom of Information and Protection of Privacy Act, RSBC 1996, c 165
Human Rights Code, RSBC 1996, c 210
Personal Information Protection Act, SBC 2003, c 63
Public Sector Employers Act, RSBC 1996, c 384
Workers Compensation Act, RSBC 1996, c 492

Definitions

“Confidential Information” means information disclosed to, used by, developed by, or made known to an employee in the course of their employment that is not generally known by persons outside the Institute. It includes, but is not limited to, information (printed, electronic or otherwise) pertaining to BCIT’s past, present, future and contemplated employees, students, assets, operations, practices, methods, facilities, equipment, technology, research, marketing, methods or strategies, finances, inventions, routines, policies and procedures and any personal information as defined below.

“Conflict of Interest” means any situation where an employee’s Private Interest(s) are in conflict, potentially conflict, or could result in the reasonable perception of a conflict, with the interests of the Institute or its stakeholders such that the objective exercise of the employee’s duties or responsibilities could be compromised.

“Personal Information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*, i.e., recorded information about an identifiable individual other than business contact information.

“Personal Interest” means an interest that arises from an employee’s relationship with a Related Person.

“Private Interest” means a private, financial, or Personal Interest and includes a pecuniary or economic interest or advantage and includes any real or tangible benefit that personally benefits an employee.

“Related Entities” means any companies, associations, societies or other organizations that have, or in the future will have, dealings with BCIT.

“Related Person” means a person who:

- is related to the employee by blood, adoption, marriage or common-law marriage;
- has a personal or intimate relationship with the employee; or,
- lives in the same dwelling or household as another employee of BCIT.

“Student” means any person enrolled, or applying to be enrolled, in a course or program offered by BCIT.

Duties and Responsibilities

Confidential Information

Employees have access to and are entrusted with Confidential Information in the course of their employment. All employees are responsible for ensuring that Confidential Information is protected from unauthorized access, use and disclosure.

Employees must:

- hold all Confidential Information in strict confidence and not discuss, communicate or transmit Confidential Information to unauthorized persons;
- not make unauthorized copies of Confidential Information;
- not disclose Confidential Information to anyone except as authorized by the Institute in writing;
- not use Confidential Information for any purpose other than carrying out the employee's authorized duties for the Institute and, in particular, not use Confidential information for the employee's own benefit or permit it to be used for the benefit of any other person unless prior written authorization from the Institute is given for its release; and,
- return all Confidential Information when the employee's employment with the Institute ends.

Employees should report any concerns regarding Confidential Information to their supervisor. Where this does not resolve the matter, a complaint should be made in writing to the Director, Privacy, Information Access and Policy Management at privacy@bcit.ca.

Where an employee has reason to believe that there exists a contravention of the law, a misuse of BCIT funds or assets, or a danger to public health or safety, the employee shall bring the matter to the attention of the Institute in accordance with the procedure outlined in Policy 1100, Whistleblower. If inapplicable, employees should report the matter to their direct manager or supervisor.

Use of Institute Property and Resources

BCIT property and resources are intended to be used for Institute work and purposes, including teaching, learning, research, and administrative purposes. Employees are expected to use Institute property and resources responsibly, safely, and for valid Institute purposes. Institute property and resources can be both tangible (such as buildings, furniture, equipment, vehicles, supplies, computer systems) as well as intangible (such as intellectual property, patents, use of facilities and services). Use of any Institute facilities in connection with outside work may only occur where prior approval has been obtained from the appropriate authority; BCIT may require full compensation for such use.

Conflict of Interest and General Standards of Conduct

Generally, a Conflict of Interest arises where a Personal Interest of an employee is sufficient to influence or appear to influence the objective exercise or proper discharge of their duties as an employee of BCIT. Conflict of Interest situations may arise even where there is no intention of acting unfairly or dishonestly.

Conflicts of Interest can occur in three ways:

- An **actual conflict of interest** refers to a situation where an employee exercises a power or performs a duty or responsibility, and in doing so, there is the opportunity to further their Private Interest(s).
- A **potential conflict of interest** refers to a situation where a Private Interest of an employee could influence the exercise of the employee's power or performance of their duties or responsibilities.

- A **perceived conflict of interest** refers to a situation where informed people might reasonably hold the apprehension that a Conflict of Interest exists on the part of the employee in relation to a Private Interest. A perceived conflict of interest is determined by the perception of "a reasonable person" (a hypothetical member of the public) who is "reasonably well-informed".

Breaches of any aspect of this policy may be subject to disciplinary action up to and including dismissal.

Disclosure

Employees have a duty to disclose actual or potential Conflicts of Interest at the earliest possible opportunity. Employees must disclose to their immediate manager or supervisor:

- at the time of their appointment, actual or potential Conflicts of Interest; and,
- immediately upon arising, actual, potential, or perceived Conflicts of Interest.

Any employee who perceives that another employee may be in a Conflict of Interest must report the matter to their immediate manager or supervisor as soon as practicable. Any employee who believes that a Conflict of Interest involving an Institute employee exists but has not been reported is encouraged to report the situation to the Director, Employee Relations as soon as practicable.

Where an employee is in doubt about whether a particular set of circumstances may give rise to an actual or potential Conflict of Interest, the employee should discuss the situation with their manager or supervisor. If doubt remains, guidance should be sought from the Director, Employee Relations.

Managers are responsible for ensuring that employees under their supervision are carrying out their duties in a manner consistent with this Code and any applicable BCIT policies. Also, policy owners are responsible for monitoring areas covered by their policies to ensure compliance.

BCIT also believes it important to provide a venue for any member of the BCIT community to report an activity that amounts to a contravention of this Code, local, provincial, or federal law or regulation, a negligent, improper or gross mismanagement of BCIT funds or assets, a substantial danger to the environment or public health and safety, or an attempt to cover up any of the foregoing. Policy 1100, Whistleblower describes how any employee may safely bring potential breaches of the Code and other serious circumstances that are not in the best interest of the Institute and its mandate to the attention of Senior Management. If in doubt about a particular set of circumstances, employees should discuss the situation with their supervisor or manager.

Where an actual or potential Conflict of Interest is disclosed, the Institute will take timely steps to determine whether a Conflict of Interest exists and, if so, to implement measures to avoid or manage the conflict.

Examples of Conflict of Interest Situations

There are a variety of circumstances that could give rise to a Conflict of Interest. The following examples illustrate situations that are usually considered to create an actual Conflict of Interest or a potential Conflict of Interest. They do not constitute an exhaustive list.

Relationships with Students

In all dealings with Students, employees shall ensure that their own behaviour is consistent with all aspects of this Code, especially the General Standards of Conduct outlined above.

Employees who are responsible for dealing with Students have a duty to act in a fair, objective, and unbiased manner at all times. Given the imbalance of power inherent in such relationships, any employees who have influence, input or decision-making power over a Student's instruction, evaluation, academic interests or other matters shall not become involved in a business, financial or inappropriate personal relationship with a Student for the duration of their professional, supervisory or evaluative role.

Any actual or potential Conflicts of Interest regarding Students must be reported immediately to the employee's direct manager or supervisor and managed in accordance with this Code.

In rare circumstances, and where a pre-existing relationship between a Student and employee exists, the President or their designate may waive the above requirement, provided that:

- upon review, the President or designate finds it essential to do so in order to meet operation needs; and,
- the President or designate is satisfied that sufficient safeguards are in place to ensure the Institute's interests are not compromised.

Despite the above, even in the absence of a Conflict of Interest, employees and Students should be aware of that perceptions of favouritism and bias can arise from business, financial or personal relationships between them. Accordingly, employees are to disqualify themselves from a Student's instruction, evaluation, academic interests or other matters when their objectivity could be compromised for any reason.

Working Relationships

Employees who constitute Related Persons or who share the same household shall not be employed in situations where:

- a reporting relationship exists where the manager or superior has influence, input, or decision-making power over an employee's performance evaluation, salary, premiums, special permissions, potential for promotion, condition of work, or similar matters; or,
- the relationship affords an opportunity for collusion, or the appearance of collusion, between the two employees which would have a detrimental effect on the Institute.

In rare circumstances, the President or designate may waive the above requirement, provided that:

- upon review, the President or designate finds it essential to do so in order to meet operation needs;
- no Conflict of Interest arises or appears to arise;
- a supervisor-subordinate relationship does not exist between the employees; and,
- the President or designate is satisfied that sufficient safeguards are in place to ensure that the Institute's interests are not compromised.

Despite the above, employees are to disqualify themselves as participants in personnel decisions when their objectivity would be compromised for any reason. Employees who engage in personal relationships should be aware of their professional responsibilities and are responsible for ensuring that the relationship does not raise concerns about abuse of power, harassment, favouritism, bias, or Conflict of Interest.

In the event that a consensual personal relationship does exist, it must be disclosed to the employee's immediate manager or supervisor as soon as practicable and be dealt with in accordance with this Policy.

Conflicts of Commitment

Employees must:

- devote all their time and attention, and provide their best efforts, skills, and talents, to the business of the Institute during the employee's working hours;
- faithfully, honestly, and diligently perform the employee's duties and responsibilities;
- act with care and in a prudent and diligent manner, and keep themselves informed of the policies, business and affairs of the Institute;
- act in accordance with the provisions of the *College and Institute Act*;
- maintain the confidentiality of the affairs and dealings of the Institute;

- deal at all times in good faith with the Institute, its Students, employees and other stakeholders; and,
- act at all times in the best interest of the Institute.

A conflict of commitment occurs where an employee is, or might reasonably be perceived to be, engaging in outside business, employment or other activities that conflict with the obligations described above or create a Conflict of Interest.

While BCIT recognizes the right of employees to be involved in activities as citizens of the community, employees must keep their role as private citizens separate and distinct from their responsibilities as employees of BCIT and they must avoid Conflicts of Interest.

Conflicts of commitment may include, but are not limited to:

a. Compromising Situations

The honesty and impartiality of employees of BCIT must be above suspicion. An employee's actions should not compromise or undermine the trust that the public places in the Institute. Employees should not place themselves in a situation where they are under obligation to any person who might benefit from, appear to benefit from or seek to gain special consideration or favour.

Employees have a responsibility to conduct themselves in a way that does not either compromise the ability of the Institute to accomplish its mandate or undermine confidence in the employee's ability to discharge assigned responsibilities properly.

b. Conflicts between Job Responsibilities and the Employee's Private Affairs

No conflict shall exist between the Private Interests of employees and the discharge of their duties or the operations of BCIT. Employees shall endeavour to avoid the public perception that such Conflict of Interest exists. Upon appointment, employees shall arrange their private affairs in a manner that will prevent any Conflicts of Interest from arising.

Employees, in the performance of their duties, shall not give preferential treatment to Related Persons, other relatives, friends or organizations in which they, their Related Persons, other relatives or friends have an interest (financial or otherwise).

Employees shall exercise care in the management of their private affairs so as not to benefit, or be perceived to benefit, from:

- the use of Institute information acquired solely by reason of their employment;
- the Institute's employees, resources, intellectual property, materials, facilities or assets for Personal Interests, Private Interests, or other matters unrelated to their employment at BCIT without permission from the Institute; or,
- any Institute transactions over which they can influence decisions (for example, investment, borrowing, purchases, sales, contracts, grants, discretionary approvals and appointments).

Employees shall not misuse their position, office affiliation, or Institute property to pursue Private Interests.

c. Outside Remuneration

Employees *may* engage in remunerative employment with another employer, carry on a business and/or receive remuneration from public funds for activities outside their position provided that:

- it does not interfere with the performance of their duties as an employee;
- it does not bring the reputation of BCIT into disrepute;
- it does not represent an actual, potential, or perceived Conflict of Interest;
- they do not have an advantage derived from their employment at BCIT;

- it is not performed in such a way as to appear to be an official act of BCIT, or to represent Institute opinion or policy; and,
- it does not involve the use of BCIT premises, services, equipment or supplies to which employees have access by virtue of their Institute employment.

Employees that fail or refuse to abide by the above may be subject to disciplinary action, up to and including dismissal.

Acceptance of Gifts or Other Complimentary Items

To preserve the image and integrity of the Institute and its community, employees must not demand or accept gifts, services, favours, meals, entertainment, privileges, or services (collectively “Gifts”) intended to unfairly influence, or that might give the appearance of unfairly influencing, a decision concerning any Institute business, including commercial, administrative, employment related, academic or research oriented in nature.

An employee shall not, either directly or indirectly, demand or accept for personal benefit a Gift from any individual, organization or corporation other than for the following:

- the exchange of nominal hospitality or customary gesture of courtesy between persons doing business together;
- tokens exchanged as part of protocol, provided the Gift is of nominal value;
- the normal presentation of Gifts or honoraria to persons participating in a public function, workshop, presentation or conference; or,
- the normal exchange of Gifts between friends.

Employees are **not** to accept the following without approval from the employee’s immediate manager or supervisor:

- Gifts or any other complimentary items with values in excess of \$200; or,
- Gifts or other complimentary items with values less than \$200 that may compromise the objectivity of the employee or result in a perception that the employee's objectivity is compromised.

When in doubt as to whether to accept a Gift, an employee should err on the side of getting approval and is encouraged discuss the situation with the employee’s immediate manager or supervisor.

Post-Employment Restrictions for Senior Executives

Definitions

For the purpose of the post-employment restrictions set out below:

“Senior Executive”: means a person employed by British Columbia Institute of Technology (BCIT) as President or Vice President; and,

“Outside Entity”: means a person or entity other than a public sector employer as defined in Section 1 of the *Public Sector Employers Act*.

One-Year Restriction

The following are material conditions of each Senior Executive’s employment contract with BCIT. If a Senior Executive had a substantial involvement in BCIT’s dealings with an Outside Entity during the year immediately preceding the end of the Senior Executive’s employment with BCIT then, for one year after the end of the Senior Executive’s employment with BCIT, the Senior Executive must not:

- i. accept an offer of employment with, an appointment to the board of directors of, or a contract to provide services to, that Outside Entity; or,
- ii. provide consulting or other services to that Outside Entity in connection with its dealings with BCIT.

Reduction of One-Year Limitation

The President, or the Board of Governors if the Senior Executive is the President, may reduce a Senior Executive's one-year restriction, upon written application, after considering the following:

- i. the circumstances under which the Senior Executive's employment ended;
- ii. the Senior Executive's general employment prospects;
- iii. the significance to BCIT of information the Senior Executive might possess by virtue of the Senior Executive's position with BCIT;
- iv. the desirability of a rapid transfer of the Senior Executive's skills to an employer other than BCIT;
- v. the degree to which the new employer might gain unfair commercial advantage by hiring the Senior Executive;
- vi. the authority and influence the Senior Executive possessed while employed by BCIT; and,
- vii. the disposition of other similar applications.

The decision-maker will provide a written decision to the applicant within ten working days of receiving the application. If the President reduces the one-year restriction for a Vice President, the President must report the decision with their rationale to the Board of Governors at its next regularly scheduled meeting.

Amendment History

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1.	Created: Policy 1500 version 1	2014 Oct 08	Replaced
2.	Revised: Policy 1500 version 2	2022 Oct 04	In Force

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