

Code of Conduct

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Purpose

- 1 The University's mission of teaching, research and service to community requires a shared commitment to the core values of the University as well as a commitment to conduct University activities ethically.

The purpose of this policy is to communicate the University's expectations with respect to the behaviour of Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees.

Scope

- 2 This policy applies to Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees.

Definitions

- 3 In this policy
 - a) "Academic Staff Member" means an individual who is engaged to work for the University and is identified as an academic staff member under Article 1 of the Collective Agreement.
 - b) "Appointee" means a member of the University's Board of Governors or a committee of the Board of Governors, a member of the Senate or a member of the Board of Directors of the University Alumni Association.
 - c) "Collective Agreement" means the collective agreement between the Faculty Association of the University of Calgary and the Governors of the University of Calgary in effect at the relevant time.

- d) A “Conflict of Commitment” exists when the outside employment or activities of an Employee adversely affects their capacity to fulfill their University responsibilities.
- e) A “Conflict of Interest” exists when:
 - i. an individual takes part in a decision in the course of carrying out their University responsibilities, where they know or ought to know that the decision may result in a real or perceived Private Benefit to them or to a Related Person or Related Entity; or
 - ii. an individual uses their position with the University to influence or seek to influence a University decision which they know or ought to know may result in a real or perceived Private Benefit to a Related Person or Related Entity; or
 - iii. an individual communicates information that they know or ought to know is not available to the general public and is obtained by the individual in the course of carrying out their University responsibilities or as a result of their University position in order to obtain or seek to obtain a Private Benefit for the individual or for a Related Person or Related Entity.
- f) “Employee” means an individual, other than an Academic Staff Member, who is engaged to work for the University under an employment contract.
- g) “Interference” means any direct or indirect action or use of authority to obstruct an individual’s right to make a Protected Disclosure.
- h) “Postdoctoral Scholar” means an individual who has completed a doctoral degree and is carrying out research at the University under the direction or mentorship of a supervising faculty member.
- i) “Private Benefit” means a financial or personal benefit (which includes the avoidance of a negative consequence) other than a financial or personal benefit that is:
 - i. applicable to a group of individuals, such as all Academic Staff Members; or
 - ii. inconsequential.
- j) “Protected Disclosure” means a disclosure made in good faith by an Employee, Academic Staff Member, Student, Postdoctoral Scholar or Appointee concerning an actual or perceived Wrongdoing.
- k) “Related Entity” means:
 - i. a public corporation of which the individual is a director or officer or the beneficial owner of more than 5% of the outstanding shares of any class;
 - ii. a ‘for-profit’ private corporation of which the individual is the beneficial owner of shares in the corporation, except:

1. an association as defined in the Co-operatives Associations Act;
 2. a credit union incorporated under the Credit Union Act;
 3. a co-operative credit society incorporated by or under an Act of the parliament of Canada; or
 4. the United Farmers of Alberta Cooperative Limited;
- iii. a non-profit corporation or an association of which the individual is a director or officer; and
 - iv. a partnership of which the individual is a partner or of which one of the partners is a Related Entity of the individual by reason of clause (i),(ii) or (iii) above.
- l) “Related Person” means an individual who is directly associated with another individual and includes:
- i. a parent, sibling and child of the individual;
 - ii. a spouse or domestic partner of the individual; and
 - iii. any other person who is directly associated with an individual.
- m) “Reprisal” means Retaliatory Measures that are taken against an individual because he or she has sought advice about making a disclosure of Wrongdoing, made a disclosure of Wrongdoing in good faith, co-operated in an investigation of Wrongdoing, or declined to participate in a Wrongdoing.
- n) Retaliatory Measures include:
- i. a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;
 - ii. any other act that adversely affects the employment, working conditions, or education of the individual; and
 - iii. a threat to do any of the above.
- o) “Student” means a person registered in a course or course of study provided by the University.
- p) “University” means the University of Calgary.
- q) “University Resources” means the tangible and intangible assets of the University.
- r) “Wrongdoing” means:
- i. a contravention of an Act of Parliament or of the legislature of Alberta, or of any regulations made under any such Act;
 - ii. an act or omission that creates:
 1. a substantial and specific danger to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or

functions of an Employee or Academic Staff Member;
or

2. a substantial and specific danger to the environment.
- iii. gross mismanagement of public funds or a public asset;
- iv. a contravention of University policies;
- v. knowingly directing or counseling an individual to commit a Wrongdoing mentioned in clauses (i) to (iv);
- vi. Interference; and
- vii. Reprisal.

Policy Statement

4 General

4.1 The University endeavours to create and maintain a positive and productive learning, working and living environment; an environment in which there is:

- a) respect for the dignity of all;
- b) fair treatment of individuals;
- c) respect for academic freedom; and
- d) respect for University Resources and the property of individuals.

4.2 When representing the University, Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees are required to act:

- a) ethically, honestly and with integrity; and
- b) in accordance with the principles of fairness, good faith, and respect.

4.3 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees are responsible to the University for their actions and their decisions not to act when they are representing the University.

Note: This section is not intended to limit an Academic Staff Member's academic freedom.

Compliance with Laws, Policies and Codes

4.4 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees are required to fulfill their University responsibilities in compliance with applicable laws, and applicable University policies and procedures and in accordance with contractual commitments.

4.5 For greater certainty, Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees who have access to information which is confidential, proprietary, or personal are required to be familiar and to comply with laws and University policies and procedures pertaining to access, use, modification, protection, and disclosure of such information.

4.6 In some cases Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees are governed by ethical codes or standards of their professions or disciplines. Employees, Academic Staff, Students, Postdoctoral Scholars and Appointees are required to conduct their professional activities and their activities related to their discipline

in compliance with all applicable codes and standards of their profession or discipline.

Conflicts

4.7 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees are required to disclose, in accordance with applicable procedures, any Private Benefit, Related Person or Related Entity that has the potential, or could be perceived to have the potential, to give rise to a Conflict of Interest.

4.8 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees must not take part in a decision if doing so would result in a Conflict of Interest.

4.9 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees must not use their position with the University to influence or seek to influence a University decision if doing so would result in a Conflict of Interest.

4.10 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees must not use or communicate information that is not available to the public and that is obtained in the course of carrying out their University responsibilities or as a result of their University position in order to obtain or seek to obtain a Private Benefit for themselves or for a Related Person or Related Entity.

Note: This section is not intended to interfere with the exercise of an individual's rights under the Intellectual Property Policy.

4.11 When an Employee intends to engage in any activity that may give rise to a Conflict of Commitment, the Employee must disclose the activity and obtain written approval prior to engaging in the activity, in accordance with the applicable procedures.

4.12 An Academic Staff Member may only engage in major Outside Professional Activity, as defined in the Collective Agreement, which complies with applicable guidelines established pursuant to the Collective Agreement.

4.13 An Employee or Academic Staff Member must not supervise a Related Person.

4.14 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees will not be involved in the recruitment, selection, or review of a Related Person.

4.15 Employees, Academic Staff, Students, Postdoctoral Scholars and Appointees must not accept fees, gifts, or other benefits that are connected directly or indirectly with the performance of their University responsibilities or their University position, from any

individual, organization or corporation (except the University), other than:

- a) the normal exchange of gifts between friends;
- b) tokens of appreciation;
- c) gifts exchanged as part of protocol; or
- d) the normal presentation of gifts to persons participating in public functions.

Use of University Resources

4.16 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees may only use University Resources for activities on behalf of the University and within their scope of responsibility.

4.17 Notwithstanding 4.16, 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.

4.18 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees are required to treat University Resources with care and to adhere to laws and University policies regarding the acquisition, use, maintenance, documentation, and disposal of University Resources.

Reporting Wrongdoing

4.19 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees may disclose known or suspected Wrongdoing to the Protected Disclosure Advisor or an independent party in accordance with the Procedures for Protected Disclosure.

4.20 An Employee, Academic Staff Member, Student, Postdoctoral Scholar or Appointee who is found to have made a frivolous or vexatious report of Wrongdoing may be subject to disciplinary action up to and including termination of employment or other relationship with the University. Disciplinary action will be taken in accordance with the provisions of any applicable collective agreement or any applicable policy relating to Student conduct.

4.21 An Employee, Academic Staff Member, Student, Postdoctoral Scholar or Appointee who is found to have committed a Wrongdoing may be subject to disciplinary action up to and including termination of employment or other relationship with the University. Disciplinary action will be taken in accordance with the provisions of any applicable collective agreement or any applicable policy relating to Student conduct.

Reprisals

4.22 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees will not take any action in Reprisal against another individual.

4.23 An individual who believes he or she may be the subject of a Reprisal may notify the Protected Disclosure Advisor in accordance with relevant procedures.

Responsibilities	5	5.1 General Counsel will: <ul style="list-style-type: none">a) provide legal advice on matters relating to the application of this Policy.
		5.2 Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees will: <ul style="list-style-type: none">a) be familiar with this Policy and act in accordance with it;b) be knowledgeable about the resources available to assist in the resolution of questions and concerns about this Policy; andc) be knowledgeable about the process available to assist in the reporting of Wrongdoing.
		5.3 Managers will: <ul style="list-style-type: none">a) ensure Employees and Academic Staff Members reporting to them are aware of and understand this Policy;b) direct allegations of Wrongdoing to the Protected Disclosure Advisor; andc) maintain an environment that encourages communication, free of the fear of Reprisal, concerning compliance with this Policy.
		5.4 Protected Disclosure Advisor will: <ul style="list-style-type: none">a) respond to inquiries / questions about making a disclosure of Wrongdoing; andb) receive reports of Wrongdoing and coordinate the University's response in accordance with the Procedures for Protected Disclosures.
Procedure	6	Conflict of Interest – report, remedy Conflict of Commitment (Major Outside Professional Activity) disclosure Procedures for Protected Disclosures
Related Policies	7	Employment Equity Policy Gifts, Donations and Sponsorship Policy Research Integrity Policy Intellectual Property Policy Non-Academic Misconduct Policy
Related Information	8	FAQs – in development
References	9	Public Interest Disclosure Act Alberta Public Agencies Governance Act
History	10	This policy replaces the Code of Professional Ethics (1994); the Statement on Principles of Conduct (date unknown); the Conflict of Interest Policy (1987); the Board of Governors Conflict of Interest Policy (2006); the Employment of

Family Policy (1985); the Outside Professional Activity policy (1985); and the Disclosure Protection Policy (2005).

Approved: December 3, 2014

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