



**GENERAL FACULTIES COUNCIL
AGENDA**

Meeting #584, October 11, 2018, 1:30-4:30 p.m.

ST 147

| Item | Description | Presenter | Materials | Estimated Time |
|-------------------------|---|---|-----------|----------------|
| 1. | Annual Address of the Chair | Cannon | Verbal | 1:30 |
| 2. | Remarks of the Vice-Chair | Marshall | Verbal | 1:45 |
| 3. | Question Period | Cannon | Verbal | 1:55 |
| 4. | Safety Moment | Dalgetty ¹ | Verbal | 2:00 |
| Action Items | | | | |
| 5. | Approval of the June 14, 2018 Meeting Minutes | Cannon | Document | 2:02 |
| 6a. | Election of One Academic Staff Member as the Member of the Board of Governors Nominated by GFC | Cannon/Belcher | Document | 2:05 |
| 6b. | Election of Two Academic Staff Members to the Advisory Search Committee for a Dean of the Werklund School of Education | | | |
| 7. | Approval of 2018-2019 Work Plans <ul style="list-style-type: none"> • GFC Executive Committee • Academic Planning and Priorities Committee • Research and Scholarship Committee • Teaching and Learning Committee | Cannon/Marshall Marshall McCauley ² /Knight ³ Reid ⁴ /Johnston ⁵ | Document | 2:10 |
| 8. | Approval of the Proposed New GFC Bylaws | Cannon/Belcher | Document | 2:15 |
| Discussion Items | | | | |
| 9. | Alcohol Policy | Jackson ⁶ /Book ⁷ | Document | 2:30 |

| Item | Description | Presenter | Materials | Estimated Time |
|------|---|-----------|-----------|----------------|
| 10. | Revised University Code of Conduct | Jackson | Document | 2:50 |
| | Information Items | | | |
| 11. | Standing Reports: a) Report on the September 5 and 25, 2018 GFC Executive Committee Meetings b) Report on the September 10 and October 1, 2018 Academic Planning and Priorities Committee Meetings c) Report on the September 20, 2018 Teaching and Learning Committee Meeting d) Report on the September 20, 2018 Senate Meeting e) Policy Development Update | Cannon | Documents | 3:30 |
| 12. | Other Business | Cannon | | 3:40 |
| 13. | Adjournment Next meeting: November 8, 2018 | Cannon | Verbal | 3:40 |

Regrets and Questions: Elizabeth Sjogren, Governance Coordinator
Telephone: 220-6062 or email: esjogren@ucalgary.ca

Susan Belcher, University Secretary
Telephone: 220-6138 or email: sbelcher@ucalgary.ca

GFC Information: <https://www.ucalgary.ca/secretariat/general-faculties-council>

Presenters

1. Linda Dalgetty, Vice-President (Finance and Services)
2. Ed McCauley, Co-Chair, Research and Scholarship Committee
3. Andy Knight, Academic Co-Chair, Research and Scholarship Committee
4. Leslie Reid, Co-Chair, Teaching and Learning Committee
5. Dawn Johnston, Academic Co-Chair, Teaching and Learning Committee
6. Karen Jackson, General Counsel
7. Deborah Book, Legal Counsel

Certificate of Recognition (COR) Maintenance Audit, 2018

The Certificate of Recognition (COR) is awarded to employers who develop health and safety programs that meet established standards by the Alberta Ministry of Labour through the Alberta Partnerships in Injury Reduction Program. The university achieved their first COR designation in 2014, conducted the required maintenance audits in 2015 and 2016 and passed the recertification audit in 2017. Achieving and maintaining the COR designation demonstrates UCalgary's continued commitment toward creating a safe work and learning environment, and showcases the level of integration of the university's Occupational Health and Safety Management System (OHSMS) across campus.

The 2018 Maintenance audit concluded on June 19, 2018 and the results were presented the first week of September to the Faculties and Units who participated:

Faculties/Units included:

- VP Finance and Services
- VP Research
- Faculty of Kinesiology
- Schulich School of Engineering
- Faculty of Nursing
- Haskayne School of Business

The 2018 Audit by the Numbers:

- 2 months long
- 5 auditors
- 46 departments
- 180 one on one interviews
- 34 tours

Results of the Audit

- UofC received a passing score of 80%.
- Faculties/units with assigned Environment, Health and Safety (EHS) staff generally have higher scores and only 2 of 6 faculties/units audited this year had an assigned EHS consultant.
- Results an improvement over 2015 score of 60% when a similar set of Faculties/units were audited.
- Each of the 8 separate elements (e.g, hazard control, training, emergency, incident investigation) improved over 2015.

Highlights from the audit report

- 'Management commitment is very strong and is one of the key components of the success of the OHSMS'.
- 'The audit team noted the improvements in the OHSMS and awareness amongst employees that have occurred over the previous audit cycles'.
- In line with the continuous improvement model, our inspection process and hazard identification and assessment elements require some fine tuning.

As a result of our good audit scores in recent years we have been approved by our certifying partner to forego an audit in 2019 which will allow resources to be focused on these areas for improvement.

EHS is very pleased to see the positive audit result indicating a strengthening of our management system which is undoubtedly contributing to the fact that we're seeing a trend to fewer lost time injuries

The draft Minutes are intentionally removed from this package.

Please see the approved Minutes [uploaded separately on this website](#).



UNIVERSITY OF
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GENERAL FACULTIES COUNCIL
Biographies of Candidates for Election

The following are the biographies of the candidates who were nominated by the GFC Executive Committee and have agreed to stand for election:

6a. Election of One Academic Staff Member as the Member of the Board of Governors Nominated by GFC

David Hodgins, Faculty of Arts

Professor.

Department of Psychology; Adjunct Professor, Department of Psychiatry.

Recipient: Killam Annual Professor (2017); CIHR, CFI, AGRI grants.

Recipient: Excellence in supervision awards, Psychologists Association of Alberta, FGS; Excellence in research awards, US National Council on Problem Gambling, US National Center for Responsible Gaming, and Faculty of Social Sciences; Fellow, Canadian Psychological Association.

Past University Service: Head, Department of Psychology; FGS Scholarship Committee, Mental Health Task Force Working Group, Mental Health Advisory Committee. Faculty of Arts Dean Renewal Committee, Faculty of Law External Review Committee.

Current University Service: GFC Elected member; FGS Major Scholarship Committee; Post-Secondary Education Partnership – Alcohol Harms.

Joule Bergerson, Schulich School of Engineering

Associate Professor

Recipient: 2017 Canada Research Chair in Energy Technology Assessment

Recipient: 2017 Royal Society of Canada: College of New Scholars, Artists and Scientists

Recipient: 2016 Sustainability Award: Teaching Leadership

Recipient: 2015 Schulich Graduate Educator Award

Recipient: 2014 Schulich Teaching Excellence Award

Past Service:

1. Department Search Committees (12 positions).
2. SSE High School Liaison/Student Recruitment Committee.
3. Energy and Environmental Systems Group Curriculum Development Committee.
4. Energy and Environmental Systems Group New Faculty Hire Committee (5 positions).
5. ISEEE-HSB joint-hire search committee (1 position).
6. Department Merit Committee.
7. Chemistry Faculty Search Committee (1 position).
8. Civil Engineering Faculty Search Committee (2 positions).
9. URGC Research Grants Committee.
10. Department Research Committee.
11. ISEEE Graduate Studies Committee.
12. Member of the Economics Department Faculty Search Committee (3 positions).

Current Service:

1. Faculty representative, GFC.
2. Department Graduate Studies Committee.
3. CEERE's APC Committee.
4. GFC Executive Committee

6b. Election of Two Academic Staff Members to an Advisory Search Committee for a Dean of the Werklund School of Education

Nicole Culos-Reed, Faculty of Kinesiology

Professor. Associate Dean Graduate, Faculty of Kinesiology

Recipient: CIHR, AI, Prostate Cancer Canada, URGC grants and Canadian Imperial Bank of Commerce funding.

Awarded: Great Supervisor (2017) and Peak Scholar (2017) from UofC; 2014 City of Calgary Community Achievement in Education award

Past Service: Decanal Search Committee in Nursing; Decanal Search Committee in Kinesiology; CPC; FPC; Academic Appeals committee; Faculty Rep for Nursing, Social Sciences;

Current Service: Associate Dean Graduate, Faculty of Kinesiology; Member, Search committee for Hematology/Oncology Division Head, Tom Baker Cancer Centre; Member, Search committee for CRC in School of Public Health/Policy; Elected board member, Canadian Cancer Action Network; Kinesiology committees including Graduate Education Committee; Selection Committee for Pedagogy Instructor; FTPC; RSL; Strategic Research and Innovation Committee (SRIC); Tenure and Promotion Committee (TPC).

Laleh Behjat, Schulich School of Engineering

Professor

Recipient: Killam Award for Graduate Student Supervision, ASTech Leadership Excellence in Science and Technology Promotion Award, ACM Recognition of Service Award, APEGA Women in Engineering Champion Award, University of Calgary Team Teaching Award, Schulich School of Engineering Research Achievement Award.

Select International Service: Google Advisory Council on Computer Science Education, member; IEEE Southern Alberta Section Women in Engineering, Chair; Richard Newton Young Fellowship Program, Co-Chair; Associate Editor, IEEE Transaction on Computer-Aided Design; Great Lakes VLSI Symposium, Chair.

Select University Service: STEM Education PhD Specialization Planning Committee, Engineering Lead; Female Graduate Students Leadership Circle, Founder and Organizer; December 6th Planning Committee, Member; Gender and Diversity in Engineering Committee, Chair.

Aruna Srivastava, Faculty of Arts

Recipient: • SSHRC-Heritage collaborative multiculturalism grant

- University awards for inquiry, blended and experiential learning
- Arts teaching development; indigenization research awards
- Chief John Snow Awards: teaching and service for aboriginal students
- Order of the University of Calgary

Past service (selected): • English: Associate Head (Undergraduate); Associate Head (Graduate, GPD); committees - Graduate Executive, Undergraduate Programs, Appointments.

- ARTS: committees - CARC, Indigenous Initiatives, Appointments (Director, Indigenous Studies)
- WSE: committees - Appointments (Indigenous Education)
- FGS: committees - Awards Oversight, Executive, Appeals
- GFC: Academic Program Committee
- Provost: Advisory Search Committee (VP Indigenous Engagement); Indigenous Strategy Working Group.

Current service: • Political Science: Co-ordinator, International Indigenous Studies Program;

- English: Executive Committee
- FGS: Special Advisor, Diversity, Equity, Inclusion; committees – Leadership; Scholarships
- WSE: Appointments Committee, Blackfoot language
- VPIE: Indigenous Strategy Implementation Committee



GENERAL FACULTIES COUNCIL
ACTION BRIEFING NOTE

For Approval For Recommendation For Discussion

SUBJECT: **2018-2019 Work Plans: GFC Executive Committee, Academic Planning and Priorities Committee, Research and Scholarship Committee, Teaching and Learning Committee**

MOTION:

That the General Faculties Council (GFC) approve the 2018-2019 Work Plans for the GFC Executive Committee (EC), Academic Planning and Priorities Committee (APPC), Research and Scholarship Committee (RSC), and Teaching and Learning Committee (TLC), in the forms provided to the GFC, and as recommended by the EC, APPC, RSC and TLC respectively.

PROPONENT(S)

Elizabeth Cannon, General Faculties Council (GFC) Executive Committee (EC) Chair.
Dru Marshall, EC Vice-Chair and Academic Planning and Priorities Committee (APPC) Co-Chair.
Anders Nygren, APPC Academic Co-Chair.
Ed McCauley, Research and Scholarship Committee (RSC) Co-Chair.
Andy Knight, RSC Academic Co-Chair.
Leslie Reid, Teaching and Learning Committee (TLC) Co-Chair.
Dawn Johnston, TLC Academic Co-Chair.

REQUESTED ACTION

The GFC is being asked to review and approve the 2018-2019 Work Plans for the EC, APPC, RSC and TLC.

KEY CONSIDERATIONS

The Work Plan informs the Committee and GFC members about the anticipated work of the Committee for the 2018-2019 academic year, and provides a tool through which the Committee can measure its progress.

BACKGROUND

Based on the best information known at the time, GFC committees prepare annual work plans for approval at the start of each meeting year.

ROUTING AND PERSONS CONSULTED

| <u>Progress</u> | <u>Body</u> | <u>Date</u> | <u>Approval</u> | <u>Recommendation</u> | <u>Discussion</u> | <u>Information</u> |
|-----------------|--|-------------|-----------------|-----------------------|-------------------|--------------------|
| | Academic Planning and Priorities Committee | 2018-09-10 | | X | | |

| | | | | | |
|---|--|------------------|---|---|---|
| | Research and Scholarship Committee | <i>by e-mail</i> | | X | |
| | Teaching and Learning Committee | 2018-09-20 | | X | |
| | GFC Executive Committee | 2018-09-25 | | X | |
| X | General Faculties Council | 2018-10-11 | X | | |
| | Research and Scholarship Committee | 2018-10-23 | | | X |
| | Teaching and Learning Committee | 2018-10-25 | | | X |
| | GFC Executive Committee | 2018-10-26 | | | X |
| | Academic Planning and Priorities Committee | 2018-11-05 | | | X |

NEXT STEPS

The approved Work Plans will be circulated as an in-package item for the Committees' information. The GFC will receive regular reports on the business addressed at the Committees' meetings.

SUPPORTING MATERIALS

1. EC 2018-2019 Work Plan
2. APPC 2018-2019 Work Plan
3. RSC 2018-2019 Work Plan
4. TLC 2018-2019 Work Plan



**UNIVERSITY OF
CALGARY**

**GFC EXECUTIVE COMMITTEE
WORK PLAN 2018-2019**

| | | Sept a | Sept b | Oct | Nov | Dec | Jan | Feb | Apr a | Apr b | May |
|----|---|--------|--------|-----|-----|-----|-----|-----|-------|-------|-----|
| 1 | Review and Recommend 2018-2019 EC Work Plan | | | | | | | | | | |
| 2 | Review the Draft GFC Agendas | | | | | | | | | | |
| 3 | Appointment/Nomination Work (as needed) | | | | | | | | | | |
| 4 | Recommendation of Changes to the Appointment Promotion and Tenure (APT)/ General Promotions Committee (GPC) Manuals | | | | | | | | | | |
| 5 | Institutional Enterprise Risk Management Program – Student Risk Review | | | | | | | | | | |
| 6 | Recommendation of the GFC Bylaws | | | | | | | | | | |
| 7 | Review of Academic-related Policies, Procedures, Codes, etc. (as needed) | | | | | | | | | | |
| 8 | Approval of the 2019-2020 GFC and GFC Standing Committees Meeting Schedule | | | | | | | | | | |
| 9 | Approval of the GFC Member Survey | | | | | | | | | | |
| 10 | EC Committee Evaluation for 2018-2019 Academic Year | | | | | | | | | | |



**ACADEMIC PLANNING AND PRIORITIES COMMITTEE (APPC)
WORK PLAN 2018-2019**

| | | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June |
|-----|---|------|-----|-----|-----|-----|-----|-----|-----|-----|------|
| 1a. | Quality Assurance Unit Review Reports for Faculty of Environmental Design, Faculty of Arts, Haskayne School of Business, Faculty of Law | | | | | | | | | | |
| 1b. | Mid-Term Quality Assurance Unit Review Reports for the Werklund School of Education, the Faculty of Veterinary Medicine, Libraries and Cultural Resources, Faculty of Nursing | | | | | | | | | | |
| 2. | Review and Recommend 2018-2019 APPC Work Plan to the General Faculties Council (GFC) | | | | | | | | | | |
| 3. | Approve Academic Program Subcommittee, Calendar Curriculum Subcommittee, Graduate Academic Program Subcommittee and Campus and Facilities Development Subcommittee 2018-2019 Work Plans | | | | | | | | | | |
| 4. | Graduate College Renewal | | | | | | | | | | |

| | | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June |
|-----|--|------|-----|-----|-----|-----|-----|-----|-----|-----|------|
| 5. | Comprehensive Institutional Plan – Review and Recommend Academic Components to GFC | | | | | | | | | | |
| 6. | Standard for Media Recording of Students in Learning Environments | | | | | | | | | | |
| 7. | Revisions to the University Credit Credentials Framework | | | | | | | | | | |
| 8. | University Non-Credit Credential Framework | | | | | | | | | | |
| 9. | Revisions to the Quality Assurance Handbook | | | | | | | | | | |
| 10. | Revisions to the Curriculum Review Handbook and Process | | | | | | | | | | |
| 11. | Strategy and Plan Updates | | | | | | | | | | |
| 12. | APPC Committee Evaluation for 2018-19 Academic Year | | | | | | | | | | |
| 13. | Review and Recommend Academic-related Policies, Procedures to GFC | | | | | | | | | | |
| 14. | Approve Program Proposals, University Admission Standards and University Regulations | | | | | | | | | | |



**UNIVERSITY OF
CALGARY**

**RESEARCH AND SCHOLARSHIP COMMITTEE
WORK PLAN 2018-2019**

| | | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May |
|----|--|------|-----|-----|-----|-----|-----|-----|-----|-----|
| 1. | Review and Recommend 2018-2019 RSC Work Plan to General Faculties Council | | | | | | | | | |
| 2. | Canada Research Chairs Equity, Diversity and Inclusion Action Plan Progress Report | | | | | | | | | |
| 3. | Research Management System Update | | | | | | | | | |
| 4. | Implementation of Research Plan/Progress Report on Research Plan Priorities | | | | | | | | | |
| 5. | Data Management Plans | | | | | | | | | |
| 6. | Emerging Research Areas | | | | | | | | | |
| 7. | Hunter Hub Entrepreneurial Thinking Across the Campus Community Progress Report | | | | | | | | | |
| 8. | Innovate Calgary Update | | | | | | | | | |
| 9. | Revisions to the Graduate Student Supervision Policy and Procedure | | | | | | | | | |

| | | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May |
|-----|---|------|-----|-----|-----|-----|-----|-----|-----|-----|
| 10. | Scholarship of Teaching and Learning | | | | | | | | | |
| 11. | Intellectual Property Policy | | | | | | | | | |
| 12. | National Major Science Fund | | | | | | | | | |
| 13. | Information Technologies Strategy | | | | | | | | | |
| 14. | Research Computing | | | | | | | | | |
| 15. | University of Calgary International Research Initiatives | | | | | | | | | |
| 16. | Appointment of an RSC Member to the Information Asset Management Committee | | | | | | | | | |
| 17. | Comprehensive Institutional Plan, Appendix C: Research, Applied Research and Scholarly Activities | | | | | | | | | |
| 18. | RSC Committee Self Evaluation for 2018-2019 Academic Year | | | | | | | | | |



**TEACHING AND LEARNING COMMITTEE
WORK PLAN 2018-2019**

| | | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May |
|----|--|------|-----|-----|-----|-----|-----|-----|-----|-----|
| 1. | Review and Recommend 2017-2018 TLC Work Plan to General Faculties Council | | | | | | | | | |
| 2. | Progress Reports, as appropriate (e.g. College of Discovery, Creativity and Innovation, OER Initiative) | | | | | | | | | |
| 3. | Presentations (e.g. Indigenous Strategy, Mental Health Strategy, Embedded Certificates, Entrepreneurship, Online/Blended Learning) | | | | | | | | | |
| 4. | Revisions to the Curriculum Review Handbook and Process | | | | | | | | | |
| 5. | Review of 2017 National Survey of Student Engagement Action Plan Report | | | | | | | | | |
| 6. | Course Outlines: Best Practices and Calendar Regulations | | | | | | | | | |
| 7. | Revising Exam Regulations | | | | | | | | | |
| 8. | Review of Teaching Climate Survey Results | | | | | | | | | |

| | | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May |
|-----|---|------|-----|-----|-----|-----|-----|-----|-----|-----|
| 9. | Office of Experiential Learning Plan | | | | | | | | | |
| 10. | Common Grade Conversion Scheme (% to Letter Grade) | | | | | | | | | |
| 11. | Guide for Responsible Use of Student Feedback | | | | | | | | | |
| 12. | Communication Points for TLC Meetings/Discussions | | | | | | | | | |
| 13. | TLC Committee Self Evaluation for 2018-2019 Academic Year | | | | | | | | | |



GENERAL FACULTIES COUNCIL
ACTION BRIEFING NOTE

For Approval For Recommendation For Discussion

SUBJECT: **Proposed New General Faculties Council Bylaws**

PROPONENT(S)

Elizabeth Cannon, Chair of the General Faculties Council (GFC), and Susan Belcher, University Secretary.

MOTION

That the General Faculties Council (GFC) approve the new General Faculties Council Bylaws, in the form provided to the GFC and as recommended by the General Faculties Council Executive Committee.

REQUESTED ACTION

The GFC is asked to approve the proposed new GFC Bylaws on the recommendation of the General Faculties Council Executive Committee (EC).

KEY CONSIDERATIONS/POINTS

The proposed Bylaws were reviewed by the EC and the GFC in May and June, and further feedback was subsequently received from a GFC member. All of the feedback has been carefully considered and most of the suggested changes have been made to the Bylaws. The revised Bylaws were then reviewed by the EC at its September meeting and the changes requested by the EC have been incorporated into the version before the GFC.

NEXT STEPS

If the GFC approves the Bylaws, they will take effect immediately upon their approval.

ROUTING AND PERSONS CONSULTED

| <u>Progress</u> | <u>Body</u> | <u>Date</u> | <u>Approval</u> | <u>Recommendation</u> | <u>Discussion</u> | <u>Information</u> |
|-----------------|---------------------------|-------------|-----------------|-----------------------|-------------------|--------------------|
| | GFC Executive Committee | 2018-05-25 | | | X | |
| | General Faculties Council | 2018-06-14 | | | X | |
| | GFC Executive Committee | 2018-09-25 | | X | | |
| X | General Faculties Council | 2018-10-11 | X | | | |

SUPPORTING MATERIALS

1. Draft General Faculties Council Bylaws 2018-09-26; and
2. Compared Version – September draft to June draft



**UNIVERSITY OF
CALGARY**

GENERAL FACULTIES COUNCIL

BYLAWS

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DRAFT

**THE GENERAL FACULTIES COUNCIL OF THE UNIVERSITY OF CALGARY
BYLAWS**

1. INTERPRETATION

1.1 Definitions

In these Bylaws, the following terms have the meaning ascribed to them:

- 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) **“Act”** means the *Post-Secondary Learning Act* (Alberta) and the regulations promulgated thereunder;
- c) **“Board”** means the Board of Governors of the University;
- d) **“Business Day”** means a day other than a day that the University is closed or a Saturday, Sunday, statutory or civic holiday in Calgary, Alberta;
- e) **“Chair”** means the Chair of the GFC;
- f) **“Committee”** means a standing or *ad-hoc* committee established by the GFC;
- g) **“Conflict of Interest”** means a conflict of interest as defined in the University Code of Conduct;
- h) **“Ex officio”** means a person who holds an appointment by virtue of their position;
- i) **“FOIP”** means the *Freedom of Information and Protection of Privacy Act* (Alberta);
- j) **“GFC”** means the General Faculties Council of the University;
- k) **“Meeting Year”** means the period from September to June in each year;
- l) **“Member”** means a member of the GFC;
- m) **“University”** means the University of Calgary; and
- n) **“Vice Chair”** means the Vice Chair of the GFC.

All terms used in these Bylaws that are defined in the Act shall have the meaning given to such term in the Act.

1.2 Headings

The headings used throughout these Bylaws are inserted for reference only and are not to be considered in construing the terms and provisions of these Bylaws or to be deemed in any way to clarify, modify or explain the effect of such terms or provisions.

1.3 Conflict with Act

In the event of a conflict between the provisions of these Bylaws and the provisions of the Act, the provisions of the Act shall govern.

1.4 Invalidity of Provisions

The invalidity or unenforceability of any provision of these Bylaws shall not affect the validity or enforceability of the remaining provisions of these Bylaws.

2. ROLE AND POWERS, DUTIES AND FUNCTIONS

2.1 Role

Subject to the authority of the Board, the GFC is responsible for the academic affairs of the University [Act, section 26]. The GFC also has general supervision of student affairs [Act, section 31].

2.2 Powers, Duties and Functions

The GFC has the powers, duties and functions set out in the Act.

The GFC may delegate in writing any of its powers, duties or functions and may prescribe conditions governing the exercise or performance of any delegated power, duty or function, including the power of sub-delegation. The GFC may also alter or revoke in writing the delegation of any of its powers, duties and functions. The GFC may require as part of any delegation of its authority that any action taken under a delegated authority of the GFC be reported to the GFC.

3. MEMBERSHIP

3.1 Composition

The composition of the GFC is as follows:

Ex-Officio Members

- The President
- The Vice-Presidents
- The Dean of each Faculty
- The Vice-Provost (Libraries and Cultural Resources)
- The Director of Continuing Education
- The Registrar

Elected Members

- Those full-time Academic Staff Members elected by the Faculty Council of each Faculty. The number of full-time Academic Staff Members that may be elected by the Faculty Council of each Faculty is determined in accordance with the Act.

Appointed Members

- Two students appointed by the Students' Union
- Four students appointed by the Graduate Students' Association
- One undergraduate student from each of the following Faculties: Arts, Business, Education, Engineering, Kinesiology, Law, Medicine, Nursing, Science, Social Work and Veterinary Medicine, appointed by the Students' Union
- One individual appointed by the Postdoctoral Association
- One individual appointed by the University Alumni Association
- One individual appointed by Student Enrolment Services
- One individual appointed by the Libraries and Cultural Resources Academic Council
- One individual appointed by the Alberta Union of Provincial Employees, Local 52
- One individual appointed by the Management and Professional Staff Executive Committee
- Two Academic Staff Members appointed by each of the Faculties of Arts, Medicine and Science
- One Academic Staff Member appointed by each of the Faculties of Business, Education, Engineering, Environmental Design, Kinesiology, Nursing, Social Work and Veterinary Medicine
- The Vice-Provost (Teaching and Learning)
- The Vice-Provost (Student Experience)
- The Chief Information Officer
- The President of the University Faculty Association

3.2 Terms

Ex-Officio Members

The membership of an individual who is an Ex-officio Member automatically terminates when the individual ceases to hold the position by virtue of which they are an Ex-officio Member of the GFC.

Elected Members

An Elected Member holds office for a term of three years or until the Elected Member's successor is elected, with eligibility for additional terms, except that an Elected Member's term automatically expires when the Elected Member ceases to be a full-time Academic Staff Member of the Faculty that elected the Member.

Notwithstanding the preceding paragraph, a Faculty shall as circumstances require, elect Members to hold office for one or two-year terms so as to provide overlapping terms for the Members elected by the Faculty, and may, when an Elected Member ceases to be an Elected Member before the expiry of that Elected Member's term, elect a new Member to serve the remainder of the unexpired term.

Appointed Members

An Appointed Member may be appointed for a term of up to three years, with eligibility for re-appointment for additional terms; however, an Appointed Member's term automatically expires when the Appointed Member ceases to meet the qualification of their membership, such as the requirement to be a student or hold a particular position.

3.3 Absences

Members shall advise the University Secretariat as soon as possible of any known or anticipated circumstances that would result in the Member being absent from three or more consecutive GFC meetings in a Meeting Year. If a Member is, or will be, absent from three or more consecutive GFC meetings in a Meeting Year, the Chair may request that a substitute be appointed for the duration of the absence or may declare the Member's position vacant and, if desirable, ask that a replacement be appointed for the balance of the Member's term or a different term. Appointments under this provision will be conducted in accordance with the regular appointment process for that Member.

3.4 Ex-Officio Members Designates

Ex-Officio Members may designate an individual to act as a Member in their place for any meeting of the GFC.

4. CHAIR

The President of the University is the Chair of the GFC.

The Chair leads the GFC in all aspects of its work and is responsible to effectively manage the affairs of the GFC and to ensure that the GFC is properly organized, functions effectively, and meets its obligations and responsibilities. The Chair will foster and promote the integrity of the GFC and a culture where the GFC works ethically and cohesively in the best interests of the University.

In carrying out this role, the Chair will:

- a) provide leadership to enable the GFC to effectively carry out its duties and responsibilities;
- b) act as the chair of meetings of the GFC and the Executive Committee of the GFC, if there is one;
- c) act as the spokesperson for the GFC;
- d) ensure that the GFC is kept properly informed of matters of import within its role; and
- e) give an annual address to the GFC, and lead a discussion with members at the first meeting of each Meeting Year, highlighting the institutional agenda, priorities, and challenges for the year to come.

In the absence of, or inability to act by, the Chair and the Vice Chair, the Vice-President (Research) shall act as Chair.

5. VICE CHAIR

The Provost and Vice-President (Academic) is the Vice Chair of the GFC.

The Vice Chair will carry out any or all of the Chair's responsibilities at the request of the Chair or in the event that the Chair is absent or unable to carry out their responsibilities, and will have those additional powers and duties assigned by the Chair.

6. MEMBERS

6.1 Obligations

Members shall:

- a) familiarize themselves with the GFC's role in governing the University, these Bylaws, the University Code of Conduct, laws and University policies applicable to Members;
- b) adhere to these Bylaws, the University Code of Conduct, laws and University policies applicable to Members; and
- c) when exercising their powers and discharging their duties, act honestly and in good faith with a view to the best interests of the University, bringing their perspective and insights to discussions as individuals, and as the holder of a position (Ex-Officio Members) or as a representative of the group that appointed or elected them to the GFC (Appointed and Elected Members).

6.2 Expectations

Members are expected to:

- a) make every reasonable effort to attend all GFC meetings;
- b) come to meetings prepared to engage in respectful, meaningful discussion and provide considered, constructive and thoughtful feedback and commentary, express opinions and ask questions to enable the GFC to exercise its best judgment in decision making and advising; and
- c) ensure that they are able to devote sufficient time and energy to carrying out their duties effectively.

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7.1 Schedule

In each Meeting Year, the GFC will meet in accordance with the meeting calendar approved by the GFC Executive Committee and provided to Members at least six months in advance of the start of the Meeting Year. The GFC will hold a minimum of six meetings in each Meeting Year.

The Chair may postpone or cancel any meeting if there is insufficient business for the meeting, and may call additional regular or special meetings as necessary to deal with business.

The Chair shall call a special meeting:

- a) in accordance with a duly passed motion of the GFC; or
- b) for a date within ten Business Days of the receipt by the Secretariat of a written request for a special meeting by at least one-quarter (1/4) of the Members of the GFC. The request must clearly state the proposed business of the special meeting.

7.2 Notice

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The accidental omission to send notice of any meeting to, or the non-receipt of any notice by, any of the persons entitled to notice does not invalidate any proceedings at a meeting.

Any person entitled to notice of a meeting may, in writing or otherwise, waive notice of, or the required period of notice of, such meeting.

7.3 Quorum

A quorum for the transaction of business at any meeting of the GFC is a number equal to one-half (1/2) of the Members.

7.4 Absence of Chair

In the event that the Chair is unable to attend a specific meeting, the Vice Chair shall act as Chair for that meeting.

In the event that both the Chair and the Vice Chair are unable to attend a specific meeting, then the Chair shall designate an Ex Officio Member to chair the meeting.

If none of the Chair, the Vice Chair or the designated chair is present within ten (10) minutes of the time fixed for the commencement of the meeting, the meeting will be cancelled.

7.5 GFC Meeting Agendas

The Chair and the Vice Chair will formulate the GFC meeting agendas, and the GFC Executive Committee will review and provide direction with respect to the agenda for each regular GFC meeting.

The agenda for each GFC meeting will be posted on the Secretariat website immediately following its distribution to Members.

7.6 Meeting Materials

Meeting materials will be distributed to Members electronically, and the target date for the distribution of meeting materials to Members will be one week in advance of a scheduled meeting.

7.7 Conduct of Meetings

7.7.1 General

GFC meetings may be attended by the public, subject to space limitations.

The Chair, or in their absence, the acting chair, shall be responsible for the orderly conduct of meetings of the GFC. Meetings will be conducted in accordance with all applicable laws (including specifically FOIP) and these Bylaws or, where applicable laws or these Bylaws are silent on the matter, as determined by a ruling of the Chair, acting reasonably. The Chair

may consult the University Secretary and look to Roberts Rules of Order for guidance on the conduct of meetings, however, none of these sources shall be considered determinative and the Chair retains the discretion to make a final determination on the matter, subject to challenge as provided below.

The Chair's ruling shall bind all members of the GFC except where a motion challenging the ruling has been duly moved, seconded and carried by two-thirds (2/3) of the Members present at the meeting, whereupon such ruling shall cease to have force and effect. In this event, a Member may propose a new ruling and, provided it is duly moved, seconded and carried by a majority of the Members present at the meeting; it shall bind all members of the GFC.

No person is allowed to use a camera or a recording device in a GFC meeting, except that the University Secretary may make an audio recording of a meeting to aid in the preparation of minutes, which audio recording will be destroyed immediately following approval of the minutes of the meeting.

The University Secretary or designate will act as the Secretary at meetings of the GFC.

7.7.2 Conflicts of Interest

Members have Conflict of Interest obligations under the University Code of Conduct.

To assist Members in meeting those obligations, Members are required to:

1. Review agenda items and declare any Conflicts of Interest in respect of an item at the beginning of each GFC meeting or at the beginning of the item;
2. Immediately seek guidance from the Chair or the University Secretary where there is any doubt about the existence of a Conflict of Interest; and
3. Actively manage a Conflict of Interest by applying one or more of the options below, as appropriate for the circumstance and as agreed to by the chair of the meeting, if in a meeting, and the Chair if otherwise. Options for action are:
 - a) removing themselves from the meeting room for any discussion and the decision on matters for which the Conflict of Interest exists;
 - b) removing themselves from the circumstances which create the Private Benefit (as defined in the University Code of Conduct) that gives rise to the Conflict of Interest;
 - c) managing the Conflict of Interest in a different fashion with the prior approval of the Chair; and
 - d) resigning their position with the GFC.

7.7.3 Invited Guests and Visitors

Guests may be invited to attend and speak at a GFC meeting with the approval of the Chair given in advance of the meeting or, in the sole discretion of the chair of the meeting, during the meeting.

Visitors in attendance at a meeting to observe GFC proceedings may speak only if expressly invited to do so by the chair of the meeting. All visitors are expected to maintain decorum. In the event of a breach of these rules or a disturbance, the chair of the meeting may eject individuals from the meeting or adjourn the meeting.

8. VOTING

8.1 General

Each Member is entitled to one vote. Except as set out in section 8.2 below, the Chair does not have a second or casting vote. Voting by proxy is not allowed.

8.2 Meetings

Only Members may move, second and vote on motions.

Motions will be decided by a show of hands, a roll call (voice), consensus, or otherwise in such manner that clearly evidences a Member's vote and is accepted by the chair of the meeting.

An affirmative vote of a majority of the Members present and eligible to vote, or consent without objection is required to pass a motion.

Any Member may ask at the time of the vote that the Member's individual vote or abstention be recorded in the minutes.

8.3 Elections by the GFC

Elections will be conducted by ballot in a meeting or electronically in accordance with the procedures for approval of resolutions conducted electronically outlined in section 8.4 below, adjusted as appropriate for an election.

The GFC Executive Committee formulates nominations for elections by the GFC. All nominations put forward to the GFC must be accompanied by brief, written biographical information about the nominee.

For each election conducted in a meeting of the GFC, in addition to the nominations put forward by the GFC Executive Committee, at the time of the election, the Chair shall call for nominations from the floor of the GFC. A nomination from the floor must be accompanied

by brief, written biographical information about the nominee and written confirmation of the support of the nomination by at least three Members and that the proposed nominee has agreed to serve if elected.

For each election conducted electronically, a call for additional nominations will be made in the communication setting out the nominations put forward by the GFC Executive Committee. Additional nominations must be received in writing by the Secretariat within three Business Days following the call for nominations and must be accompanied by brief, written biographical information about the nominee and written confirmation of the support of the nomination by at least three Members and that the proposed nominee has agreed to serve if elected.

Elections will be decided based upon the number of votes in favour of each nominee in descending order, the first elected person being the nominee with the most votes. Additional elected persons will be the person(s) with the next highest number of votes in descending order until all elected persons have been determined. In the event of an equal number of votes being cast for more than one nominee (a tie), the Chair (or the Vice Chair where the Chair is absent or has a conflict of interest) will cast a second vote to break the tie.

Results of elections will be communicated to the GFC within a reasonable time following the election.

Following an election, in the event that the person(s) originally elected by the GFC becomes unable to fulfil the responsibilities of the position to which they were elected, the person(s) in the original election with the next highest number of votes in descending order will be asked to assume the position.

8.4 Resolutions in Writing

Resolutions in writing are only suitable for straightforward motions or where it is not feasible or practical to call a meeting of the GFC, and should be used infrequently.

A resolution consented to in writing or participation in an election conducted electronically, by a majority of the Members entitled to vote on the resolution or participate in the election, whether by signed document, facsimile, electronic mail or any other method of transmitting legibly recorded messages, shall have the same force and effect as if passed or conducted at a GFC meeting duly called and held. A written resolution may be in two or more counterparts, which together are deemed to constitute one resolution in writing. A written resolution passed in this manner is effective on the date stated in the resolution or, if a date is not stated, on the latest date stated on any counterpart or the latest date on which the required number of affirmative votes is communicated to the University Secretariat.

The procedures for approval of resolutions conducted electronically are as follows:

- a) Resolutions will be sent to Members, or Members will be notified of an electronic poll, via the facsimile, e-mail address or telephone number on file with the University Secretariat;
- b) The resolution will expire in the time set in the message; however, the Chair or the University Secretary may extend the deadline once by up to a maximum of seven days;
- c) An affirmative vote of a majority of Members who are eligible to vote is required to pass a written resolution;
- d) The University Secretariat is responsible for tallying the votes and informing the GFC of the outcome;
- e) Written resolutions may not be amended; however, the Member who proposed the resolution may withdraw it at any time prior to receipt of the necessary approval or the expiry time, if one, or with the approval of all of the Members who voted on the resolution; and
- f) If the resolution does not receive the required votes by the deadline (as extended, if applicable), it does not pass.

9. COMMITTEES

9.1 Establishment

The GFC may by resolution, establish standing or *ad-hoc* committees with such responsibilities, authorities, membership and operational rules, as it considers appropriate. The GFC may also by resolution, dissolve any Committee.

9.2 Rules and Procedures

The responsibilities, authorities, membership and operation of a Committee shall be set out in terms of reference approved by the GFC or its delegate.

Committees shall report their activities and decisions to the GFC at such times and in such manner as required by the GFC.

10. SPOKESPERSON

The Chair, or in their absence or inability to act, the Vice Chair, is the only person authorized to speak for the GFC.

11. RECORDS

11.1 GFC Records

Minutes of the proceedings of all GFC and Committee meetings and records of all decisions of the GFC and Committees made outside of a meeting will be created and presented to the GFC or the Committee for approval or information, as applicable, at its next subsequent meeting.

The University shall keep as permanent records, minutes of all GFC and Committee meetings and a record of all actions taken by the GFC and Committees without a meeting. The University shall maintain its records in a form capable of conversion into written form within a reasonable time. Approved minutes of GFC meetings for the current and previous five years will be posted on the Secretariat website.

The official records of the GFC will be maintained under the custodianship of the University Secretary, are not confidential, and shall be available for inspection in the University Secretariat or the University Archives upon reasonable advance notice to the University Secretariat or in accordance with University Archives procedures.

11.2 Certification of Records

The Chair, the University Secretary or such other person designated by the GFC for the purpose may, in a written certificate, certify that:

- a) a writing referred to in the certificate is a true copy of all or part of a minute of the proceedings of a meeting of the GFC or a Committee or a resolution of the GFC or a Committee; and
- b) that the minute or resolution or part thereof is or is not in effect as at a date stated in the certificate.

A certificate made under this section shall be prima facie proof of the facts stated therein without proof of the signature or capacity of the person signing the certificate.

If the person making the certificate is not the University Secretary, that person shall make and deliver to the University Secretary an executed copy of the certificate as soon as reasonably possible.

12. GFC ASSESSMENT

The GFC shall carry out an assessment of its performance and operations no later than two years following its last assessment in accordance with a process approved by the GFC Executive Committee.

13. AUTHORITIES

13.1 Authorization and Execution

All documents or instruments in writing requiring execution on behalf of the GFC shall be signed by the Chair, the Vice Chair or those signatories specified in a written authorization of the GFC.

14. GENERAL

14.1 Secretary to the GFC

The University Secretary shall be the secretary to the GFC.

14.2 Validity of Notices

Any notice or communication required or permitted to be given or made hereunder will be sufficiently given or made for all purposes if delivered personally, sent by electronic mail or facsimile or sent by ordinary mail within Canada to the last address listed in the records of the University Secretariat. Any such notice or communication if sent by facsimile or other means of electronic communication shall be deemed to have been received on the day of sending, and if delivered by hand shall be deemed to have been received at the time it is delivered to the applicable address. A document sent by mail will be deemed to be received on the fifth Business Day after the day on which it is mailed. In proving the notice or communication was mailed, it shall be sufficient to prove that such document was properly addressed, stamped and posted.

14.3 Review and Changes to Bylaws

These Bylaws will be reviewed by the GFC at least once every three years.

Subject to applicable laws, these Bylaws, or any part hereof, may be amended, replaced or repealed by resolution of the GFC, effective on the date specified in the resolution or, if no date is specified, on the date the resolution was passed. Anything done pursuant to, or in reliance on, these Bylaws before they were amended, replaced or repealed is conclusively deemed to be valid for all purposes.

14.4 Effective Date

These Bylaws will be effective on the date that they are approved by the GFC. All prior or existing Terms of Reference of the GFC are repealed as of the effective date of these Bylaws.

Dated: ◆



**UNIVERSITY OF
CALGARY**

GENERAL FACULTIES COUNCIL

BYLAWS

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**THE GENERAL FACULTIES COUNCIL OF THE UNIVERSITY OF CALGARY
BYLAWS**

1. INTERPRETATION

1.1 Definitions

In these Bylaws, the following terms have the meaning ascribed to them:

- 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) **“Act”** means the *Post-Secondary Learning Act* (Alberta) and the regulations promulgated thereunder;
- c) **“Board”** means the Board of Governors of the University;
- d) **“Business Day”** means a day other than a day that the University is closed or a Saturday, Sunday, statutory or civic holiday in Calgary, Alberta;
- e) **“Chair”** means the Chair of the GFC;
- f) **“Committee”** means a standing or *ad-hoc* committee established by the GFC;
- g) **“Conflict of Interest”** means a conflict of interest as defined in the University Code of Conduct;
- h) **“Ex officio”** means a person who holds an appointment by virtue of their position;
- i) **“FOIP”** means the *Freedom of Information and Protection of Privacy Act* (Alberta);
- j) **“GFC”** means the General Faculties Council of the University;
- k) **“Meeting Year”** means the period from September to June in each year;
- l) **“Member”** means a member of the GFC;
- ~~m) **“Minister”** means the Minister responsible for the Act;~~
- ~~n) **“President”** means the President and Vice-Chancellor of the University;~~
- ~~o)m) **“University”** means the University of Calgary; and~~
- ~~p)n) **“Vice Chair”** means the Vice Chair of the GFC.~~

All ~~defined~~ terms ~~contained~~used in these Bylaws ~~which are not defined herein and which that~~ are defined in the Act shall have the meaning given to such term in the Act.

1.2 Headings

The headings used throughout these Bylaws are inserted for reference only and are not to be considered in construing the terms and provisions of these Bylaws or to be deemed in any way to clarify, modify or explain the effect of such terms or provisions.

1.3 Conflict with ~~Bylaws~~Act

In the event of a conflict between the provisions of these Bylaws and the provisions of the Act, the provisions of the Act shall govern.

1.4 ~~Interpretation~~

~~The GFC is the sole authority for the interpretation of these Bylaws and the decision of the GFC on any question of interpretation shall be final and binding.~~

~~The Board is the authority for the interpretation of the powers and duties of the GFC under the Act that are not definite, and the decision of the Board on any question that arises regarding these powers and duties is final and binding [Act, section 63].~~

~~1.5~~ Invalidation of Provisions

The invalidity or unenforceability of any provision of these Bylaws shall not affect the validity or enforceability of the remaining provisions of these Bylaws.

2. ROLE AND POWERS, DUTIES AND FUNCTIONS

2.1 Role

Subject to the authority of the Board, the GFC is responsible for the academic affairs of the University. [Act, section 26]. The GFC also has general supervision of student affairs. [Act, section 31].

2.2 Powers, Duties and Functions

The GFC has the powers, duties and functions set out in the Act.

The GFC may delegate in writing any of its powers, duties or functions ~~to any person (which in this context includes both individuals and non individuals, such as working groups or committees)~~ and may prescribe conditions governing the exercise or performance of any delegated power, duty or function, including the power of sub-delegation. The GFC may also alter or revoke in writing the delegation of any of its powers, duties and functions. The GFC may require as part of any delegation of its authority that any action taken under a delegated authority of the GFC be reported to the GFC.

3. MEMBERSHIP

3.1 Composition

The composition of the GFC is as follows:

Ex-Officio Members

- The President
- The Vice-Presidents
- The Dean of each Faculty
- The Vice-Provost (Libraries and Cultural Resources)
- The Director of Continuing Education
- The Registrar

Elected Members

- Those full-time Academic Staff Members ~~designated~~elected by the Faculty Council of each Faculty. The number of full-time Academic Staff Members that may be ~~designated~~elected ~~by the Faculty Council of~~ each Faculty is determined in accordance with ~~section 24(2) of~~ the Act.

Appointed Members

- Two students appointed by the Students' Union
- Four students appointed by the Graduate Students' Association
- One undergraduate student from each of the following Faculties: Arts, Business, Education, Engineering, Kinesiology, Law, Medicine, Nursing, Science, Social Work and Veterinary Medicine, appointed by the Students' Union
- One individual appointed by the Postdoctoral Association
- One individual appointed by the University Alumni Association
- One individual appointed by Student Enrolment Services
- One individual appointed by the Libraries and Cultural Resources Academic Council
- One individual appointed by the Alberta Union of Provincial Employees, Local 52
- One individual appointed by the Management and Professional Staff Executive Committee
- Two Academic Staff Members appointed by each of the Faculties of Arts, Medicine and Science
- One Academic Staff Member appointed by each of the Faculties of Business, Education, Engineering, Environmental Design, Kinesiology, Nursing, Social Work and Veterinary Medicine
- The Vice-Provost (Teaching and Learning)
- The Vice-Provost (Student Experience)

- The Chief Information Officer
- The President of the University Faculty Association

3.2 Terms

Ex-Officio Members

The membership of an individual who is an Ex-officio Member automatically terminates when the individual ceases to hold the position by virtue of which they are an Ex-officio Member of the GFC.

Elected Members

An Elected Member holds office for a term of three years or until the Elected Member's successor is ~~appointed~~delected, with eligibility ~~for re-appointment~~ for additional terms, except that an Elected Member's term automatically expires when the Elected Member ceases to be a full-time Academic Staff Member of the Faculty that ~~designated~~delected the ~~Elected~~ Member.

Notwithstanding the preceding paragraph, a Faculty shall, as circumstances require, ~~designate Elected~~elect Members to hold office for one or two-year terms so as to provide overlapping terms for the ~~Elected~~ Members ~~appointed~~delected by the Faculty, and may, when an Elected Member ceases to be an Elected Member before the expiry of that Elected Member's term, ~~designate~~elect a new ~~Elected~~ Member to serve the remainder of the unexpired term.

Appointed Members

An Appointed Member may be appointed for a term of up to three years, with eligibility for re-appointment for additional terms; however, an Appointed Member's term automatically expires when the Appointed Member ceases to meet the qualification of their membership, such as the requirement to be a student or hold a particular position.

3.3 ~~Vacancies~~Absences

Members ~~will~~shall advise the University Secretariat as soon as possible of any known or anticipated circumstances that would result in the Member being absent from three or more consecutive GFC meetings in a Meeting Year. If a Member is, or will be, absent from three or more consecutive GFC meetings in a Meeting Year, the Chair may request that a substitute be appointed for the duration of the absence or may declare the Member's position vacant and, if desirable, ask that a replacement be appointed for the balance of the Member's term or a different term. Appointments under this provision will be conducted in accordance with the regular appointment process for that Member.

3.4 Ex-Officio Members Designates

Ex-Officio Members may designate an individual to act as a Member in their place for any meeting of the GFC.

4. CHAIR

The President of the University is the Chair of the GFC ~~[Act, section 23(a)(i)]~~.

The Chair leads the GFC in all aspects of its work and is responsible to effectively manage the affairs of the GFC and to ensure that the GFC is properly organized, functions effectively, and meets its obligations and responsibilities. The Chair will foster and promote the integrity of the GFC and a culture where the GFC works ethically and cohesively in the best interests of the University.

In carrying out this role, the Chair will:

a) provide leadership to enable the GFC to effectively carry out its duties and responsibilities;

~~b) act as a liaison between the GFC and senior administrators of the University;~~

~~e)b)~~ _____ act as the chair of meetings of the GFC and the Executive Committee of the GFC, if there is one;

~~d)c)~~ _____ act as the spokesperson for the GFC;

~~e)d)~~ _____ ensure that the GFC is kept properly informed of matters of import within its role; and

~~f)e)~~ give an annual address to the GFC, and lead a discussion with members at the first meeting of each Meeting Year, highlighting the institutional agenda, priorities, and challenges for the year to come; ~~and.~~

~~g) perform such other duties as are customarily performed by a Chair of the GFC.~~

~~The GFC shall appoint the Vice-President (Research) to act as Chair in~~ In the absence of, or inability to act ~~of~~by, the Chair and the Vice Chair, the Vice-President (Research) shall act as Chair.

5. VICE CHAIR

The Provost and Vice-President (Academic) is the Vice Chair of the GFC.

The Vice Chair will carry out any or all of the Chair's responsibilities at the request of the Chair or in the event that the Chair is absent or unable to carry out their responsibilities, and will have those additional powers and duties assigned by the Chair.

6. MEMBERS

6.1 Obligations

Members ~~will~~shall:

- a) familiarize themselves with the GFC's role in governing the University, these Bylaws, the University Code of Conduct, laws and University policies applicable to Members;
- b) adhere to these Bylaws, the University Code of Conduct, laws and University policies applicable to Members; and
- c) when exercising their powers and discharging their duties, act honestly and in good faith with a view to the best interests of the University, bringing their perspective and insights to discussions as individuals, and as the holder of a position (Ex-Officio Members) or as a representative of the group that appointed or elected them to the GFC (Appointed and Elected Members).

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Members are expected to:

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The Chair shall call a special meeting:

- a) in accordance with a duly passed motion of the GFC; or

- b) for a date within ten Business Days of the receipt by the Secretariat of a written request for a special meeting by at least one-quarter (1/4) of the Members of the GFC. The request must clearly state the proposed business of the special meeting.

7.2 Notice

Members will be provided with a calendar of meeting dates for regularly scheduled GFC meetings in advance of each Meeting Year, which calendar is deemed to be sufficient notice to all Members of any meeting shown in the calendar. Except in the case of an emergency meeting, notice of meetings that do not appear in the calendar will be provided at least two Business Days in advance of the meeting date. Meetings will be held on main campus, and the University Secretariat will communicate the details of each meeting to Members as soon as they are available before each meeting.

The accidental omission to send notice of any meeting to, or the non-receipt of any notice by, any of the persons entitled to notice does not invalidate any proceedings at a meeting. Any person entitled to notice of a meeting may, in writing or otherwise, waive notice of, or the required period of notice of, such meeting.

7.3 Quorum

A quorum for the transaction of business at any meeting of the GFC is a number equal to one-half (1/2) of the ~~members of the GFC~~Members.

7.4 Absence of Chair

In the event that the Chair is unable to attend a specific meeting, the Vice Chair shall act as Chair for that meeting.

In the event that both the Chair and the Vice Chair are unable to attend a specific meeting, then the Chair shall designate an Ex Officio Member to chair the meeting.

If none of the Chair, the Vice Chair or the designated chair is present within ten (10) minutes of the time fixed for the commencement of the meeting, the meeting will be cancelled.

7.5 GFC Meeting Agendas

The Chair and the Vice Chair will formulate the GFC meeting agendas, and the GFC Executive Committee will review and provide direction with respect to the agenda for each regular GFC meeting, ~~including whether any agenda items will be handled in-camera.~~

~~Persons wishing to introduce a matter to a GFC meeting must follow the process outlined in the GFC Guidelines for Issues Brought to the GFC for Action.~~

The ~~open~~ agenda for each GFC meeting will be posted on the Secretariat website immediately following its distribution to Members.

7.6 Meeting Materials

Meeting materials will be distributed to Members electronically, and the target date for the distribution of meeting materials to Members will be one week in advance of a scheduled meeting.

7.7 Conduct of Meetings

7.7.1 General

GFC meetings may be attended by the public, subject to space limitations.

The Chair, or in their absence, the acting chair, shall be responsible for the orderly conduct of meetings of the GFC. Meetings will be conducted in accordance with all applicable laws (including specifically FOIP) and these Bylaws or, where applicable laws or these Bylaws are silent on the matter, as determined by a ruling of the Chair, acting reasonably. The Chair may consult the University Secretary and look to Roberts Rules of Order ~~or Nathan's Company Meetings~~ for guidance on the conduct of meetings, however, none of these sources shall be considered determinative and the Chair retains the discretion to make a final determination on the matter, subject to challenge as provided below.

The Chair's ruling shall bind all members of the GFC except where a motion challenging the ruling has been duly moved, seconded and carried by two-thirds (2/3) of the Members present at the meeting, whereupon such ruling shall cease to have force and effect. In this event, a Member may propose a new ruling and, provided it is duly moved, seconded and carried by a majority of the Members present at the meeting; it shall bind all members of the GFC.

No person is allowed to use a camera or a recording device in a GFC meeting, except that the University Secretary may make an audio recording of a meeting to aid in the preparation of minutes, which audio recording will be destroyed immediately following approval of the minutes of the meeting.

The University Secretary or designate will act as the Secretary at meetings of the GFC.

~~7.7.2 Open and In-Camera Meetings~~

~~The GFC may hold open and in-camera meetings or sessions of the GFC in compliance with FOIP and all other applicable laws.~~

~~Open meetings or open sessions of meetings of the GFC may be attended by the public, subject to space limitations.~~

~~In camera meetings or in camera sessions of meetings of the GFC will be attended by the Members, the University Secretary, the meeting scribe, and those individuals who are invited to attend by the Chair.~~

7.7.3 Conflicts of Interest

Members have Conflict of Interest obligations under the University Code of Conduct.

To assist Members in meeting those obligations, Members are required to:

1. Review agenda items and declare any Conflicts of Interest in respect of an item at the beginning of each GFC meeting or at the beginning of the item;
2. Immediately seek guidance from the Chair or the University Secretary where there is any doubt about the existence of a Conflict of Interest; and
3. Actively manage a Conflict of Interest by applying one or more of the options below, as appropriate for the circumstance and as agreed to by the chair of the meeting, if in a meeting, and the Chair if otherwise. Options for action are:
 - a) removing themselves from the meeting room for any discussion and the decision on matters for which the Conflict of Interest exists;
 - b) removing themselves from the circumstances which create the Private Benefit (as defined in the University Code of Conduct) that gives rise to the Conflict of Interest;
 - c) managing the Conflict of Interest in a different fashion with the prior approval of the Chair; and
 - d) resigning their position with the GFC.

7.7.43 Invited Guests and Visitors

Guests may be invited to attend and speak at a GFC meeting with the approval of the Chair given in advance of the meeting or, in the sole discretion of the chair of the meeting, during the meeting.

Visitors in attendance at a meeting to observe GFC proceedings may speak only if expressly invited to do so by the chair of the meeting. All visitors are expected to maintain decorum. In the event of a breach of these rules or a disturbance, the chair of the meeting may eject individuals from the meeting or adjourn the meeting.

8. VOTING

8.1 General

Each Member is entitled to one vote. Except as set out in section 8.2 below, the Chair does not have a second or casting vote. Voting by proxy is not allowed.

8.2 Meetings

Only Members may move, second and vote on motions.

Motions will be decided by a show of hands, a roll call (voice), consensus, or otherwise in such manner that clearly evidences a Member's vote and is accepted by the chair of the meeting.

An affirmative vote of a majority of the Members present and eligible to vote, or consent without objection is required to pass a motion.

~~A declaration by the chair of the meeting that a motion has been carried and an entry to that effect in the minutes shall be prima facie evidence of the action taken.~~ Any Member may ask at the time of the vote that the Member's individual vote or abstention be recorded in the minutes.

8.3 Elections by the GFC

Elections will be conducted by ballot in a meeting or electronically in accordance with the procedures for approval of resolutions conducted electronically outlined in section 8.4 below, adjusted as appropriate for an election.

The GFC Executive Committee formulates nominations for elections by the GFC. All nominations put forward to the GFC must be accompanied by brief, written biographical information about the nominee.

For each election conducted in a meeting of the GFC, in addition to the nominations put forward by the GFC Executive Committee, at the time of the election, the Chair shall call for nominations from the floor of the GFC. A nomination from the floor must be accompanied by brief, written biographical information about the nominee and written confirmation of the support of the nomination by at least three Members and that the proposed nominee has agreed to serve if elected.

For each election conducted electronically, a call for additional nominations will be made in the communication setting out the nominations put forward by the GFC Executive Committee. Additional nominations must be received in writing by the Secretariat within three Business Days following the call for nominations and must be accompanied by brief, written biographical information about the nominee and written confirmation of the support of the nomination by at least three Members and that the proposed nominee has agreed to serve if elected.

Elections will be decided based upon the number of votes in favour of each nominee in descending order, the first elected person being the nominee with the most votes. Additional elected persons will be the person(s) with the next highest number of votes in descending order until all elected persons have been determined. In the event of an equal

number of votes being cast for more than one nominee (a tie), the Chair (or the Vice Chair where the Chair is absent or has a conflict of interest) will cast a second vote to break the tie.

Results of elections will be communicated to the GFC within a reasonable time following the election.

Following an election, in the event that the person(s) originally elected by the GFC becomes unable to fulfil the responsibilities of the position to which they were elected, the person(s) in the original election with the next highest number of votes in descending order will be asked to assume the position.

8.4 Resolutions in Writing

Resolutions in writing are only suitable for straightforward motions or where it is not feasible or practical to call a meeting of the GFC, and should be used infrequently.

A resolution consented to in writing or participation in an election conducted electronically, by a majority of the Members entitled to vote on the resolution or participate in the election, whether by signed document, facsimile, electronic mail or any other method of transmitting legibly recorded messages, shall have the same force and effect as if passed or conducted at a GFC meeting duly called and held. A written resolution may be in two or more counterparts, which together are deemed to constitute one resolution in writing. A written resolution passed in this manner is effective on the date stated in the resolution or, if a date is not stated, on the latest date stated on any counterpart or the latest date on which the required number of affirmative votes is communicated to the University Secretariat.

The procedures for approval of resolutions conducted electronically are as follows:

- a) Resolutions will be sent to Members, or Members will be notified of an electronic poll, via the facsimile, e-mail address or telephone number on file with the University Secretariat;
- b) The resolution will expire in the time set in the message; however, the Chair or the University Secretary may extend the deadline once by up to a maximum of seven days;
- c) An affirmative vote of a majority of Members who are eligible to vote is required to pass a written resolution;
- d) The University Secretariat is responsible for tallying the votes and informing the GFC of the outcome;
- e) Written resolutions may not be amended; however, the Member who proposed the resolution may withdraw it at any time prior to receipt of the necessary approval or the expiry time, if one, or with the approval of all of the Members who voted on the resolution; and

- f) If the resolution does not receive the required votes by the deadline (as extended, if applicable), it does not pass.

9. COMMITTEES

9.1 Establishment

The GFC may by resolution, establish standing or *ad-hoc* committees with such responsibilities, authorities, membership and operational rules, as it considers appropriate. The GFC may also by resolution, dissolve any Committee.

9.2 Rules and Procedures

The responsibilities, authorities, membership and operation of a Committee shall be set out in terms of reference approved by the GFC or its delegate.

Committees shall report their activities and decisions to the GFC at such times and in such manner as required by the GFC.

10. SPOKESPERSON

The Chair, or in their absence or inability to act, the Vice Chair, is the only person authorized to speak for the GFC.

11. RECORDS

11.1 GFC Records

Minutes of the proceedings of all GFC and Committee meetings and records of all decisions of the GFC and Committees made outside of a meeting will be created and presented to the GFC or the Committee for approval or information, as applicable, at its next subsequent meeting.

The University shall keep as permanent records, minutes of all GFC and Committee meetings and a record of all actions taken by the GFC and Committees without a meeting. The University shall maintain its records in a form capable of conversion into written form within a reasonable time. Approved minutes of GFC meetings for the current and previous five years will be posted on the Secretariat website.

The official records of the GFC will be maintained under the custodianship of the University Secretary, are not confidential, and shall be available for inspection in the University Secretariat or the University Archives, ~~as directed by the University Secretariat, by any Member~~ upon reasonable advance notice to the University Secretariat or in accordance with University Archives procedures.

~~Access to the official records of the GFC by persons other than Members will be determined in accordance with applicable legislation and University policies in effect from time to time. Approved minutes of open sessions of GFC meetings for the current and previous five years will be posted on the Secretariat website.~~

11.2 Certification of Records

The Chair, the University Secretary or such other person designated by the GFC for the purpose may, in a written certificate, certify that:

- a) a writing referred to in the certificate is a true copy of all or part of a minute of the proceedings of a meeting of the GFC or a Committee or a resolution of the GFC or a Committee; and
- b) that the minute or resolution or part thereof is or is not in effect as at a date stated in the certificate.

A certificate made under this section shall be prima facie proof of the facts stated therein without proof of the signature or capacity of the person signing the certificate.

If the person making the certificate is not the University Secretary, that person shall make and deliver to the University Secretary an executed copy of the certificate as soon as reasonably possible.

12. GFC ASSESSMENT

The GFC shall carry out an assessment of its performance and operations no later than two years following its last assessment in accordance with a process approved by the GFC Executive Committee.

13. AUTHORITIES

13.1 Authorization and Execution

All documents or instruments in writing requiring execution on behalf of the GFC shall be signed by the Chair, the Vice Chair or those signatories specified in a written authorization of the GFC.

14. GENERAL

14.1 Secretary to the GFC

The University Secretary shall be the secretary to the GFC.

14.2 Validity of Notices

Any notice or communication required or permitted to be given or made hereunder will be sufficiently given or made for all purposes if delivered personally, sent by electronic mail or facsimile or sent by ordinary mail within Canada to the last address listed in the records of the University Secretariat. Any such notice or communication if sent by facsimile or other means of electronic communication shall be deemed to have been received on the day of sending, and if delivered by hand shall be deemed to have been received at the time it is delivered to the applicable address. A document sent by mail will be deemed to be received on the fifth Business Day after the day on which it is mailed. In proving the notice or communication was mailed, it shall be sufficient to prove that such document was properly addressed, stamped and posted.

14.3 Review and Changes to Bylaws

These Bylaws will be reviewed by the GFC at least once every three years.

Subject to applicable laws, these Bylaws, or any part hereof, may be amended, replaced or repealed by resolution of the GFC, effective on the date specified in the resolution or, if no date is specified, on the date the resolution was passed. Anything done pursuant to, or in reliance on, these Bylaws before they were amended, replaced or repealed is conclusively deemed to be valid for all purposes.

14.4 Effective Date

These Bylaws will be effective on the date that they are approved by the GFC. All prior or existing Terms of Reference of the GFC are repealed as of the effective date of these Bylaws.

Dated: ◆



**UNIVERSITY OF
CALGARY**

**GENERAL FACULTIES COUNCIL
ACTION BRIEFING NOTE**

For Approval For Recommendation For Discussion

SUBJECT: Alcohol Policy

PROPOSERS

Karen Jackson, General Counsel
Deborah Book, Legal Counsel

REQUESTED ACTION

We are looking for feedback from the General Faculties Council on the draft revised alcohol policy.

KEY CONSIDERATIONS/POINTS

The policy is meant to clearly outline the University's expectations relating to serving and consuming alcohol in or on University Facilities, at University Events and at events receiving support from the University. The policy also provides guidance to ensure compliance with all federal, provincial and municipal laws relating to the provision and consumption of alcohol.

The University has executed Beverage Management Agreements (BMAs) with entities that provide alcohol on campus under the University's license to ensure compliance with AGLC requirements. The policy will complement the BMAs and ensure consistency in managing alcohol at the University.

The policy applies to:

- Students, Employees, Academic Staff Members, Appointees, Postdoctoral Scholars and Visitors consuming alcohol in or on University Facilities, at University Events or at events receiving support from the University; and
- alcohol related advertising and sponsorship.

The policy does not apply to scientific grade alcohol used in laboratories for teaching and research.

The policy supports the University's promotion of harm reduction programs.

Breaches of the policy may result in discipline under the Student Non-Academic Misconduct Policy, or in accordance with the relevant terms and conditions of employment or other relationship with the University.

RISKS

The revised policy is an important measure to mitigate the risks associated with alcohol at the University. The policy contains provisions to facilitate compliance with licensing requirements and minimise legal liability.

The policy has been drafted with harm reduction in mind, recognizing there is a risk that an overly strict policy may result in non-compliance which would not be helpful in terms of harm reduction.

RESOURCE REQUIREMENTS

We do not anticipate any additional resources will be required to implement the policy. The policy largely codifies measures adopted as a matter of best practice in the management of alcohol on campus.

BACKGROUND

With the finalization of BMAs with all relevant groups on campus and the review of the University's approach to managing legal, potentially harmful substances on campus prompted by the legalization of cannabis, the University is moving forward with a revised Alcohol Policy. The revised policy incorporates the new framework under the BMAs and a more modern approach to regulating alcohol on campus, aligned with best practices in harm reduction. The Alcohol Policy was last updated in February, 1999. As the University's approach to management of alcohol shifted to ensure best practices the 1999 policy lost relevancy and was removed from the University's policies page.

The drafting team included individuals from student experience, risk, campus security, insurance, ancillary services, development and legal services.

ROUTING AND PERSONS CONSULTED

| <u>Progress</u> | <u>Body</u> | <u>Date</u> | <u>Approval</u> | <u>Recommendation</u> | <u>Discussion</u> | <u>Information</u> |
|-----------------|---|-------------|-----------------|-----------------------|-------------------|--------------------|
| | GFC Executive Committee | 2018-09-25 | | | X | |
| | BG Environment, Health, Safety and Sustainability Committee | 2018-10-02 | | | X | |
| X | General Faculties Council | 2018-10-11 | | | X | |
| | General Faculties Council | 2018-12-06 | | | | X |
| | Board of Governors | 2018-12-14 | | | | X |

Also consulted (February-September, 2018) : ELT Ops, University of Calgary International Senior Leadership, Faculty of Science Senior Leadership, Theatre Services, Kinesiology Senior Leadership, Postdoctoral Scholars Association, GSA, Indigenous Strategy Team, TUCFA, SU, University Relations, AUPE, Extended Dean's Council, MaPS, Student Medical Response, BMA Working Committee, Provost's Team Meeting, Campus Mental Health Strategy, PEP-AH (Alcohol Harm Reduction Group).

NEXT STEPS

The drafting team will consider feedback from this discussion and revise the policy as appropriate.

SUPPORTING MATERIALS

1. Draft Revised Alcohol Policy

A blackline of the revised policy compared to the old policy is not included as the two documents are dramatically different and a blackline would be meaningless.

Alcohol Policy

| | |
|--|--|
| <p>Classification Health, Safety, and Environment</p> | <p>Table of Contents</p> <p>1 Purpose 1</p> <p>2 Scope 1</p> <p>3 Definitions 2</p> <p>4 Policy Statement 3</p> <p>5 Special Situations..... 8</p> <p>6 Responsibilities..... 8</p> <p>7 Related Policies 9</p> <p>8 Related Procedures 9</p> <p>9 Related Instructions/Forms 9</p> <p>10 Related Operating Standards 9</p> <p>11 Related Information 9</p> <p>12 References..... 9</p> <p>13 History 9</p> |
| <p>Approval Authority Vice-President (Finance and Services)</p> | |
| <p>Implementation Authority Vice-President (Finance and Services)</p> | |
| <p>Effective Date June 18, 1993</p> | |
| <p>Last Reviewed XXXX, 2018</p> | |

1 Purpose

The purpose of this policy is to:

- a) ensure that the University is in compliance with all federal, provincial and municipal laws concerning the provision and consumption of alcohol;
- b) promote Harm Reduction programs and resources for Students, Academic Staff Members, Employees, Appointees and Postdoctoral Scholars who may be considering consuming alcohol; and
- c) set out the University's expectations for the provision and consumption of alcohol in or on University Facilities, at University Events, and at events receiving support from the University.

2 Scope

This policy applies to:

- a) Students, Employees, Academic Staff Members, Appointees, Postdoctoral Scholars, and Visitors consuming alcohol in University Facilities, at University Events or at events receiving support from the University; and
- b) alcohol related advertising and sponsorship.

This policy does not apply to scientific grade alcohol used in laboratories for teaching and research purposes.

3 Definitions

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 applicable Collective Agreement.
- b) “AGLC” means the Alberta Gaming and Liquor Commission.
- c) “Appointee” means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments, and visiting researchers and scholars.
- d) “Beverage Management Agreement” means an agreement between the University and another person authorizing that person to serve alcohol under the University’s liquor license.
- e) “Collective Agreement” means any collective agreement between the Governors of the University of Calgary and (i) the Faculty Association of the University of Calgary, (ii) the Alberta Union of Public Employees, (iii) the Graduate Students’ Association, or (iv) any other association or union representing Employees or Postdoctoral Scholars, in each case, in effect at the relevant time.
- f) “Contractor” means an individual or a corporation, or other entity who agrees to furnish materials to, or perform services for, the University for consideration.
- g) “Employee” means an individual, other than an Academic Staff Member, Appointee or Postdoctoral Scholar, who is engaged to work for the University under an employment contract.
- h) “Field Station” means any of the following University Facilities:
 - i. Rothney Astrophysical Observatory;
 - ii. Barrier Lake Research Station;
 - iii. R.B. Miller Research Station;
 - iv. Kluane Lake Research Station.
- i) “Graduate Students’ Association Event” means an event, or program, on or off-campus, organized by or on behalf of the Graduate Students’ Association, or a student club registered with the Graduate Students’ Association.
- j) “Harm Reduction” means policies, programs and practices that aim to reduce or minimize the adverse consequences associated with the use of substances.

- k) "Impaired" means having diminished physical and mental control.
- l) "Licensed Area" means a public area, in or on University Facilities, in which alcohol may be served.
- m) "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 Academic Staff Member.
- n) "Server" means an individual who sells or serves alcoholic beverages for consumption.
- o) "Student" means an individual who is registered in a University course or program of study.
- p) "Students' Union Event" means an event or program, on or off-campus, organized by or on behalf of the Students' Union or a student club registered with the Students' Union.
- q) "University" means the University of Calgary.
- r) "University Event" means an event or program, on or off-campus, organized on behalf of the University by Academic Staff Members, Appointees, Employees, Postdoctoral Scholars or Students.
- s) "University Facilities" means all buildings and grounds, including athletic and recreational fields and Field Stations, owned, leased or operated by the University.
- t) "University Food Services" means any entity retained by the University to provide food or beverages.
- u) "University Vehicles" means any vehicle rented, owned or leased by the University Fleet Operations Office.
- v) "Visitor" means an individual present at University Events or in University Facilities, University Vehicles or vehicles being used for University business, who is not an Academic Staff Member, Appointee, Employee, Postdoctoral Scholar or Student. For clarity, this includes Contractors and Volunteers.
- w) "Volunteer" means an individual who, on a voluntary basis, provides a service or materials to the University.

4 Policy Statement

4.1 The University will encourage responsible use of alcohol through:

- a) education and awareness programs that identify the risks and harms associated with alcohol provision and consumption; and
 - b) implementing Harm Reduction strategies;
- 4.2** The University will encourage the development of alcohol-free spaces, events and programs.
- 4.3** The University will provide awareness, educational programs and assistance to support Students, Academic Staff Members, Postdoctoral Scholars and Employees in alcohol Harm Reduction efforts.
- 4.4** Academic Staff Members, Appointees, Employees, Postdoctoral Scholars and Students are expected to be responsible about their consumption of alcohol in or on University Facilities, at University Events or events receiving support from the University, while involved in the business of the University or in activities related to the University, and while representing the University.
- 4.5** Academic Staff Members, Appointees, Employees, Postdoctoral Scholars and Students involved in the business of the University outside the province of Alberta must comply with all relevant laws, rules and regulations relating to alcohol.
- 4.6** Academic Staff Members, Appointees, Postdoctoral Scholars and Employees may not be Impaired while at work because of the use or after effects of alcohol.
- 4.7** Students, Employees, Academic Staff Members, Appointees, Postdoctoral Scholars, and Visitors using University Facilities or attending University Events are only permitted to possess, or consume, alcohol in a location designated as a Licensed Area and in compliance with law, AGLC regulations, policies and guidelines, this policy, other University policies, Residence Services Community Standards and any applicable Beverage Management Agreement.
- 4.8** Alcohol is prohibited in University Vehicles, except for campus security vehicles transporting seized alcohol. Alcohol in vehicles being used for University business must be sealed and out of reach of the vehicle's occupants.
- 4.9** Academic Staff Members, Appointees, Employees, Postdoctoral Scholars, Students, Contractors and Volunteers cannot operate University Vehicles or vehicles being used for University business if there is any possibility that they might be Impaired as the result of their consumption of alcohol.
- 4.10** All Students' Union Events and Graduate Students' Association Events must be in compliance with law, AGLC regulations, policies and guidelines, this policy, other University policies and Residence Services Community Standards.
- 4.11** University Events may not have the consumption of alcohol as their sole purpose or focus.

- 4.12** All University Events and events receiving support from the University must be inclusive and supportive of those who choose not to, or cannot, consume alcohol.

License to Serve Alcohol

- 4.13** The University holds the licenses issued by the AGLC to serve alcohol in designated areas within or on University Facilities. The Director, Ancillary Services is in charge of administering the licenses on behalf of the University.
- 4.14** Individuals and groups may not obtain a license, including a special event license, for serving alcohol at University Events directly from the AGLC.
- 4.15** Alcohol will only be served in or on University Facilities in a location specifically designated as a Licensed Area in the University's liquor licenses.
- 4.16** As holder of the liquor licenses, the University:
- a) may extend licenses at its discretion, at the request of groups or individuals, for the service of alcohol for special events;
 - b) may inspect and monitor Licensed Areas for compliance with this policy, the AGLC requirements, and the terms and conditions of any relevant BMA;
 - c) may suspend licenses granted; and
 - d) will manage communications with the AGLC.
- 4.17** The Director, Ancillary Services will set the operating standards and practices for the designation of a location as a Licensed Area.
- 4.18** The Director, Ancillary Services may assess proposed events and functions to ensure consistency with alcohol Harm Reduction protocols the University has adopted.
- 4.19** If alcohol will be consumed at a University Event held off campus, the alcohol will be served by:
- a) University Food Services;
 - b) a licensed caterer; or
 - c) an individual who has ProServe certification by the AGLC.

Alcohol Service in Licensed Areas

- 4.20** The University is responsible for ensuring that a Licensed Area operates in accordance with law, AGLC regulations, policies and guidelines, this policy, other University policies and Residence Services Community Standards.
- 4.21** The Director, Ancillary Services shall ensure that all Servers have ProServe certification by the AGLC prior to serving alcohol in a Licensed Area. Security

staff must have received ProTect Security Staff Training from the AGLC when providing security services at events where alcohol will be served.

Advertisement, Marketing and Sponsorship

- 4.22** Alcohol, and alcohol manufacturers, may only be advertised in or on University Facilities in accordance with all relevant University policies, AGLC regulations, Canadian Radio-Television and Telecommunications Commission Codes, and any other relevant law, regulation, or guideline.
- 4.23** Alcohol may not be advertised in or on University Vehicles, vehicles being used for University business, or University controlled digital channels.
- 4.24** Events whose sole purpose, or whose focus, is the consumption of alcohol may not be advertised in or on University Facilities, University Vehicles, or vehicles being used for University business.
- 4.25** Alcohol manufacturers can advertise or sponsor safe drinking programs in or on University Facilities, provided that the name of the safe drinking program and its message take prominence over the name of the alcohol manufacturer, the safe drinking program is consistent with Harm Reduction approaches adopted by the University, and the advertisement and sponsorship of the safe drinking program otherwise meets the requirements of University policies and the AGLC regulations, policies and guidelines for sponsorship.
- 4.26** Alcohol manufacturers and licensed establishments, including on and off campus bars, may be permitted, on a case-by-case basis, to sponsor or advertise at University Events and events receiving support from the University provided the sponsorship or advertisement is in the best interests of the University, meets the requirements of University policies and the AGLC regulations, policies, and guidelines concerning sponsorship, and has been approved in advance by the Director, Ancillary Services.
- 4.27** Applications for sponsorship of, or advertisement at, University Events by alcohol manufacturers and licensed establishments must be made to the Office of Ancillary Services who, in consultation with the appropriate University groups, will review the terms of sponsorship and decide whether to approve the application. The Office of Ancillary Services will regularly publish an operating standard providing guidance on the principles applied in considering applications for sponsorship of University Events by alcohol manufacturers.

University Support for Events

- 4.28** The University will not provide support to any event whose sole purpose, or focus, is the consumption of alcohol.

- 4.29** The University may participate in, or provide funding to, off-campus events where the consumption of alcohol is permitted provided such events comply with this policy.

Field Stations

- 4.30** The University recommends that Students, Employees, Academic Staff Members, Appointees, Postdoctoral Scholars, and Visitors abstain from consuming alcohol while at Field Stations.
- 4.31** Students, Employees, Academic Staff Members, Appointees, Postdoctoral Scholars, and Visitors must limit alcohol consumption at Field Stations so that they do not become Impaired.
- 4.32** When alcohol is consumed at a Field Station, the University representative in charge of the group or event at the Field Station must:
- a) abstain from consuming alcohol;
 - b) identify at least 1 designated driver who will abstain from alcohol consumption, for each vehicle at the Field Station. The designated drivers identified must have appropriate permissions and licenses to drive the vehicle for which they will be the designated driver;
 - c) ensure at least 1 individual with first aid training abstains from consuming alcohol; and
 - d) maintain appropriate controls for any firearms at the Field Station.

Oversight Committee

- 4.33** Activity under this policy will be subject to the oversight of a committee consisting of one individual appointed by each of the:
- a) Provost and Vice-President (Academic);
 - b) Vice-President (Development and Alumni Engagement);
 - c) Vice-President (Finance and Services);
 - d) Vice-President (University Relations); and
 - e) General Counsel.
- 4.34** The Oversight Committee will be responsible for reviewing operating standards developed from time to time by the office of Ancillary Services to ensure they are consistent with this policy.
- 4.35** The Oversight Committee will receive annual reports from the Director Ancillary Services, and may request additional information from individuals involved in administering this policy at any time to ensure management of alcohol at the University complies with this policy.

Violations

- 4.36** Anyone who reports alcohol use in contravention of this policy in order to seek emergency medical assistance will not be subject to disciplinary action. This includes both the individual making the report, and any other witness or bystander who is present at the time of the medical emergency.
- 4.37** Individuals who do not comply with this policy may be subject to penalties or discipline, up to and including termination of employment or other relationship with the University in accordance with University policies or regulations and any applicable Collective Agreement.
- 4.38** A Visitor who is found to have violated this policy may be required to leave University Facilities, University Vehicles or vehicles being used for University business, and may be subject to further restrictions regarding accessing University Facilities, University Vehicles or vehicles being used for University business or participating in University Events, or events receiving support from the University. The University may immediately terminate its relationship with any Contractor who is found to have violated this policy.
- 4.39** Notwithstanding section 4.37 and 4.38, individuals may be subject to civil, administrative or criminal action, independent of any University action, for violations of AGLC regulations or other law.

5 Special Situations

- 5.1** The use of alcohol for religious, cultural or other grounds protected by the Alberta Human Rights Act may be accommodated under the University's accommodation policies.
- 5.2** The use of alcohol in other special situations may be permitted with written approval from the Director, Ancillary Services.
- 5.3** Alcohol used in laboratories is subject to strict ethics, regulatory and environmental health and safety controls developed and implemented by the relevant departments, in coordination with risk management at the University.
- 5.4** To ensure appropriate observances of cultural protocol, events that include alcohol and involve the Canadian Indigenous community, or traditional knowledge keepers, ceremonialists, or elders in Canada should be planned in consultation with the office of the Vice-Provost (Indigenous Engagement).

6 Responsibilities

- 6.1** Senior leadership team members, department heads, directors, and managers will put appropriate measures in place to ensure compliance with this policy before approving University funding or support of any events at which alcohol is to be served.
- 6.2** The Director of Ancillary Services will:
 - a) manage the licenses granted to the University by the AGLC;

- b) set standards and processes for the granting of licenses for alcohol service in Licensed Areas;
- c) coordinate risk assessments of University Events, events receiving support from the University, and any other event on campus where alcohol will be served;
- d) be the central University contact for communicating with AGLC; and
- e) report to the oversight committee described in section 4.33.

6.3 University Food Services will ensure that all Servers employed by University Food Services have completed the ProServe training and certification.

6.4 Campus Security will monitor and inspect Licensed Areas for compliance with this policy as appropriate.

7 Related Policies

Use of Space for Non-Academic Purposes
 Student Non-Academic Misconduct Policy
 Code of Conduct
 Hospitality and Travel Expenses Policy

8 Related Procedures

Special Events Expense Procedure
 Social Events Expense Procedure

9 Related Instructions/Forms

10 Related Operating Standards

Residence Community Standards
 Principles applied in considering applications for an alcohol manufacturer to sponsor a University Event (being drafted)
 Providing alcohol at University Events (being drafted)
 Cultural Protocol Guidelines (Indigenous Strategy)

11 Related Information

Alberta Gaming and Liquor Commission – Liquor Agency Handbook
 Canadian Radio-Television and Telecommunications Commission Code for broadcast advertising of alcoholic beverages

12 References

13 History

Approved: June 18, 1993 by the Board of Governors

Effective: June 18, 1993

Revised: February 8, 1999

Revised: XX, 2018



GENERAL FACULTIES COUNCIL
BRIEFING NOTE

For Approval For Recommendation For Discussion

SUBJECT: **Revised University Code of Conduct**

PROPONENT(S)

Karen Jackson, General Counsel

PURPOSE

To review and discuss the revisions made to the University Code of Conduct to ensure the Code complies with the December 2017 amendments to Alberta's *Conflicts of Interest Act* (the "Act") and is approved by the Alberta Ethics Commissioner.

KEY CONSIDERATIONS/POINTS

1. The revisions made to the University Code are mandated by the Act and by the Office of the Ethics Commissioner. The attached draft of the Code reflects comments we received from the Ethics Commissioner on January 11 and June 25, 2018 and the discussions we have had with her concerning her comments and the nature of comprehensive academic and research universities. Unfortunately, we are not in a position to make any substantive changes to the attached draft of the Code except revisions required by the Ethics Commissioner as set out in her most recent letter, which we received on September 26, 2018 and are still reviewing.
2. The revisions made to University Code are briefly summarized below. The revisions that may be of most interest to GFC are in d. (supplementary employment or appointment) and g. (gifts) below:
 - a. **s. 3** – the following definitions have been added to the Code: ELT Manager, ELT Member, Manager, Outside Professional Activity, SLT Member; Appointees in the original Code are now called Volunteer Appointees, a definition of Appointees meaning adjunct professors, etc. has been added and University is now defined to include subsidiaries (FYI, the only subsidiary is UTI). In addition, the definition of Conflict of Interest was revised to mean taking any action that may result in a real or perceived Private Benefit to the individual or a Related Person or Related Entity and the definition of Private Benefit was revised to include furthering a private interest.
 - b. **s. 4.4** is new - it is required by s.23.922(2)(a) of the Act. In addition, the sentence "This means they must comply with section 4.2 and the other provisions of this policy" was included to provide some guidance as to what "conducting themselves impartially" means.
 - c. **s. 4.8** - was revised to refer to the Procedure for Conflict of Interest and any actual, potential or perceived Conflict of Interest.
 - d. **ss. 4.11 to 4.13** are new – they were added because the June 25, 2018 comments from the Ethics Commissioner's office said they were required. They provide that, prior to accepting any supplementary employment or appointment, all Employees, Academic Staff Members, Appointees and Voluntary Appointees must disclose the supplementary employment or appointment to their Manager and their Manager must approve it unless it gives rise to an actual or perceived Conflict of

Interest. If the supplementary employment or appointment does give rise to an actual or perceived Conflict of Interest a plan to manage to Conflict of Interest must be put in place.

- e. **ss. 4.15 and 4.16** - are slightly revised versions of the old ss. 4.13 and 4.14.
 - f. **ss. 4.17** (the old 4.11) **and 4.18** (the old 4.12) have been revised – they relate to Conflict of Commitment and OPA. The Ethics Commissioner advised that we could not simply refer to the OPA provisions in the Collective Agreement; the OPA provisions had to be set out in the Code, although she did say they could be inserted at the end of the Code. So, Article 13 from the Collective Agreement is set out in ss. 6.1 to 6.27 of the revised Code and s. 4.18 (the old 4.12) refers to those sections and states that if there is a conflict between ss. 6.1 to 6.27 and Article 13, Article 13 takes precedence.
 - g. **ss. 4.19 to 4.27** relate to gifts - ss. 4.20 to 4.27 are new and s. 4.19 (the old 4.15) has been revised. Ss. 4.20 to 4.27 reflect discussions with the Ethics Commissioner. Of particular note, is s. 4.22 which deals with invitations to conferences. It provides that if an Employee or Academic Staff Member accepts an invitation to speak, or participate in a panel, at a conference or similar event and their speech or participation relates to their University responsibilities or their major academic interests, the total value of the transportation costs, registration fees, accommodation, meals and related incidentals which may be given to them in connection with the conference invitation cannot exceed \$8,000 and the cumulative maximum cash value limit for of such items permitted from a single source in a calendar year cannot exceed \$16,000.
 - h. **ss. 4.31 to 4.40** are new – they set out all of the obligations of the President under the Act.
3. Once the Code has been approved, FAQs will be developed to help the university community understand the various provisions in the Code and their obligations.

RISKS

The University's Code of Conduct must comply with the Act and be approved by the Ethics Commissioner by March 31, 2019 or the University will be in breach of the Act. The University's reputation and relationship with the provincial government would be adversely affected if the University did not comply with the Act.

RESOURCE REQUIREMENTS

There is no anticipated impact on budget. The material impact on operations relate to the provisions dealing with supplementary employment or appointment (ss. 4.12 and 4.13 of the revised Code) and the provisions dealing with gifts (ss. 4.19 to 4.27 of the revised Code).

Prior to accepting any supplementary employment or appointment, academic staff members and all other employees must disclose the employment or appointment to their manager. Their manager must approve the supplementary employment or appointment as long as it does not give rise to an actual or perceived conflict of interest. This requirement will result in a significant increase in administrative work.

Regarding gifts, it will now be important for individuals (especially SLT members) to keep track of the type of social events they attend and for academics and others to keep track of gifts they receive as a result of attending conferences, seminars, etc. There is also a process which allows employees and academics to seek advice regarding their obligations under ss. 4.19 to 4.22 of the Code or an increase in the dollar limits in those sections. This process may result in some increase in the administrative work of ELT members.

BACKGROUND

The 2015 University Code of Conduct was submitted to the Ethics Commissioner for her preliminary consideration on January 2, 2018 and comments on the 2015 Code were received on January 11, 2018. A revised Code of Conduct

was then submitted to the Ethics Commissioner on April 27, 2018 and comments on the revised Code were received on June 25, 2018 and on August 2, 2018. Further revisions were made to the Code to address those comments and the Code, as further revised, was re-submitted to the Ethics Commissioner's office on August 16, 2018. On September 26, 2018 we received comments on the August 16 draft of the Code, which we are reviewing.

ROUTING AND PERSONS CONSULTED

| <u>Progress</u> | <u>Body</u> | <u>Date</u> | <u>Approval</u> | <u>Recommendation</u> | <u>Discussion</u> | <u>Information</u> |
|-----------------|--|--------------|-----------------|-----------------------|-------------------|--------------------|
| | Research and Scholarship Committee | May 29, 2018 | | | X | |
| | Deans' Council | May 30, 2018 | | | X | |
| | Academic Planning and Priorities Committee | Sep 10, 2018 | | | X | |
| | GFC Executive Committee | Sep 25, 2018 | | | X | |
| | Human Resources and Governance Committee | Oct 5, 2018 | | | X | |
| | Deans' Council | Oct 10, 2018 | | | X | |
| X | General Faculties Council | Oct 11, 2018 | | | X | |
| | Human Resources and Governance Committee | Nov 30, 2018 | | X | | |
| | Board of Governors | Dec 14, 2018 | X | | | |

We have also consulted with TUCFA and are in the process of consulting with AUPE, MaPS, GSA, SU, Indigenous Engagement and Campus Mental Health Strategy, Policy Review Group.

SUPPORTING MATERIALS

1. Blacklined copy of the revised University Code of Conduct (showing all the changes made to the January 1, 2015 Code)
2. Clean copy of the revised University Code of Conduct

Code of Conduct

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January 1, 2015¶

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Scope . 2¶
Definitions . 3¶
Policy Statement . 4¶
Responsibilities . 5¶
Procedure . . 6¶
Related Policies . . 7¶
Related Information . 8¶
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1 Purpose 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 (which includes Postdoctoral Scholars), Academic Staff Members, Appointees, Students and Volunteer Appointees.

2 Scope This policy applies to Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees.

3 Definitions 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 applicable Collective Agreement.

b) “Appointee” means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments, visiting researchers and scholars.

Deleted: <#>“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.¶
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c) “Collective Agreement” means any collective agreement between the Governors of the University of Calgary and (i) the Faculty Association of the University of Calgary, (ii) the Alberta Union of Public Employees, or (iii) any other association or union representing Employees, in each case, in effect at the relevant time.

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d) A “Conflict of Commitment” exists when the outside employment or activities of an Employee adversely affects their capacity to fulfill their University responsibilities.

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e) A “Conflict of Interest” exists when, in the course of carrying out their University responsibilities, an individual takes any action where they know or ought to know that the action may result in a real or perceived Private Benefit to them or to a Related Person or Related Entity, including:

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- i. the 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. the 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 them or to a Related Person or Related Entity; or
- iii. the 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.

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f) “ELT Manager” means:

- i. for the President, the chair of the University’s Board of Governors;
- ii. for an ELT Member other than the President, the President;
- iii. for an Academic Staff Member, Appointee or other Employee of the University of Calgary, the ELT Member who has management responsibility for the faculty, department or unit of which the Academic Staff Member, Appointee or other Employee is a member;
- iv. for an Employee of a subsidiary of the University, the ELT Member who has management responsibility for the subsidiary; and
- v. for a Volunteer Appointee, the chair of the University’s Board of Governors, committee of the Board, Senate or University Alumni Board of Directors, as applicable.

g) “ELT Member” means an Employee who, at the relevant time, is designated as a member of the Executive Leadership Team.

- h) “Employee” means an individual, other than an Academic Staff Member or Appointee, who is engaged to work for the University under an employment contract. For clarity, Postdoctoral Scholars are Employees.
- i) “Interference” means any direct or indirect action or use of authority to obstruct an individual’s right to make a Protected Disclosure.
- j) “Manager” means:
 - i. for the President, the chair of the University’s Board of Governors;
 - ii. for an Academic Staff Member, Appointee or Employee of the University of Calgary (other than the President), the SLT Member who has management responsibility for the faculty, department or unit of which the Academic Staff Member, Appointee or other Employee is a member;
 - iii. for an Employee (other than the chief executive officer) of a subsidiary of the University, the chief executive officer of the subsidiary;
 - iv. for the chief executive officer of the subsidiary, the SLT Member who has management responsibility for the subsidiary; and
 - v. for a Volunteer Appointee, the chair of the University’s Board of Governors, committee of the Board, Senate or University Alumni Board of Directors, as applicable.
- k) “Outside Professional Activity” and “O.P.A.” have the meaning given to such terms in section 6.1 below.
- l) “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.
- m) “President” means the president of the University of Calgary.
- n) “Private Benefit” means a financial benefit, a personal benefit or furthering a private interest (and includes the avoidance of a negative consequence) other than a financial benefit, a personal benefit or a private interest that:
 - i. is of general application;
 - ii. affects a person as a member of a group, such as Academic Staff Members; or
 - iii. is inconsequential.
- o) “Protected Disclosure” means a disclosure made in good faith by an Employee, Academic Staff Member, Appointee, Student or Volunteer Appointee concerning an actual or perceived Wrongdoing.
- p) “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 a director or officer;
 - iii. 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;

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- 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;
 - iv. a non-profit corporation or an association of which the individual is a director or officer; and
 - v. 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), (iii) or (iv) above.
- q) "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.
- r) "Reprisal" means Retaliatory Measures that are taken against an individual because they have 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.
- s) 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.
- t) "SLT Member" means an Employee who, at the relevant time, is designated as a member of the Senior Leadership Team.
- u) "Student" means an individual registered in a University course or program of study.
- v) "University" means the University of Calgary and its subsidiaries.
- w) "University Resources" means the tangible and intangible assets of the University.
- x) "Volunteer 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.
- y) "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:

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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, Academic Staff Member or Appointee; 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.

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4 Policy Statement

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, Appointees, Students and Volunteer Appointees are required to act:

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- 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, Appointees, Students and Volunteer Appointees are responsible to the University for their actions and their decisions not to act when they are representing the University.

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Note: This section is not intended to limit the academic freedom of an Academic Staff Member or Appointee.

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- 4.4 Employees, Academic Staff Members, Appointees and Volunteer Appointees are required to conduct themselves impartially in fulfilling their University responsibilities. This means they must comply with section 4.2 and the other provisions of this policy.

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Note: This section is not intended to limit the academic freedom of an Academic Staff Member or Appointee.

Compliance with Laws and Policies

- 4.5 Employees, Academic Staff Members, Appointees, Students and Volunteer 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.

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- 4.6 For greater certainty, Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees who have access to information which is confidential,

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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.

- 4.7 In some cases Employees, Academic Staff Members, Appointees, Students, and Volunteer Appointees are governed by ethical codes or standards of their professions or disciplines. Employees, Academic Staff, Appointees, Students, and Volunteer 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.

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Conflicts of Interest

- 4.8 Employees, Academic Staff Members, Appointees, Students, and Volunteer Appointees are required to disclose in writing, in accordance with the Procedure for Conflict of Interest, any actual, potential or perceived Conflict of Interest. The Procedure for Conflict of Interest is set out in Appendix A, which forms part of this policy.

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

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- 4.10 Employees, Academic Staff Members, Appointees, Students, and Volunteer 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.

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- 4.11 Employees, Academic Staff Members, Appointees and Volunteer Appointees must not accept any supplementary employment or appointment that gives rise to an actual or perceived Conflict of Interest.

- 4.12 Prior to accepting any supplementary employment or appointment, an Employee, Academic Staff Member, Appointee or Volunteer Appointee must disclose the supplementary employment or appointment to their Manager in writing, in accordance with the Procedure for Conflict of Interest.

- 4.13 In accordance with the Procedure for Conflict of Interest, their Manager must review the proposed supplementary employment or appointment to determine if it gives rise to an actual or perceived Conflict of Interest.

If the Manager determines that it does not give rise to an actual or perceived Conflict of Interest, the Manager must approve the supplementary employment or appointment in writing.

If the Manager determines that it does give rise to an actual or perceived Conflict of Interest, then the Manager must, in accordance with the procedure, put an appropriate plan in place to manage the Conflict of Interest.

If the Manager determines that the Conflict of Interest cannot be appropriately managed, then the Employee, Academic Staff Member, Appointee or Volunteer Appointee must take steps to eliminate the actual or perceived Conflict of Interest and the steps taken to do so must be documented and agreed to by the Manager.

- 4.14 Employees, Academic Staff Members, Appointees, Students, and Volunteer 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

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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.

Supervising Related Persons

4.15 An Employee, Academic Staff Member or Appointee must not supervise a Related Person.

4.16 Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees must not be involved in the recruitment, selection, or review of a Related Person.

Conflicts of Commitment and Outside Professional Activity

4.17 When an Employee or Appointee, other than the President, intends to engage in any activity that may give rise to a Conflict of Commitment, the Employee or Appointee must disclose the activity to their Manager and obtain their Manager's written approval prior to engaging in the activity. A Manager will not approve engaging in the activity unless the Manager is satisfied, acting reasonably, that the Employee or Appointee will be able to devote sufficient time and energy to effectively fulfill their University responsibilities while engaging in the activity.

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4.18 An Academic Staff Member may only engage in major Outside Professional Activity, which complies with the provisions in sections 6.1 to 6.27 below. However, sections 6.1 to 6.27 do not replace or supersede the provisions of Article 13 of the Collective Agreement with the Faculty Association of the University of Calgary. Consequently, if there is a conflict between sections 6.1 to 6.27 and Article 13 of the Collective Agreement, the Collective Agreement governs to the extent necessary to resolve the conflict.

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Gifts

4.19 Employees, Academic Staff Members, Appointees and Volunteer Appointees must not accept gifts 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:

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<#>¶
<#>Employees, Academic Staff Members, Students, Postdoctoral Scholars and Appointees will not be involved in the recruitment, selection, or review of a Related Person.¶
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- a) the normal exchange of gifts between friends;
- b) the normal exchange of hospitality between persons doing business together;
- c) tokens exchanged as part of protocol;
- d) the normal presentation of gifts to persons participating in public functions, awards, speeches, lectures, presentations or seminars.

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

The value of a single tangible gift permitted by this section shall not exceed \$200. The cumulative maximum cash value limit for tangible gifts permitted by this section from a single source in a calendar year is \$400.

- 4.20 Subject to sections 4.21 and 4.22, for any Employee, Academic Staff Member, Appointee or Volunteer Appointee the value of a single event invitation permitted by this section shall not exceed \$500. The cumulative maximum cash value limit for event invitations permitted by this section from a single source in a calendar year is \$1,000.
- 4.21 Subject to section 4.22, for the President only, the value of a single event invitation permitted by this section from a donor or friend of the University shall not exceed \$1,000, and the cumulative maximum cash value limit for event invitations permitted by this section from a single donor of the agency in a calendar year is \$2,000.
- 4.22 If an Employee, Academic Staff Member, Appointee or Volunteer Appointee accepts an invitation to speak, or participate in a panel, at a conference, seminar, workshop or similar event (a "Conference Invitation") and their speech or participation relates to their University responsibilities or their major academic interests, the total value of the transportation costs, registration fees, accommodation, meals and related incidentals which may be gifted to them in connection with the Conference Invitation shall not exceed \$8,000. The cumulative maximum cash value limit for of such items permitted by this section from a single source in a calendar year is \$16,000.
- 4.23 Sections 4.20 and 4.21 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.
- 4.24 An Employee, Academic Staff Member, Appointee or Volunteer Appointee may request that their ELT Manager provide advice relating to the Employee's, Academic Staff Member's, Appointee's or Volunteer Appointee's obligations under sections 4.19, 4.20, 4.21 or 4.22 or an increase in the dollar limits set out in those sections.
- 4.25 The Employee, Academic Staff Member, Appointee or Volunteer Appointee must provide their ELT Manager with all material information relating to a request under section 4.24.
- 4.26 The ELT Manager may, in writing, provide the Employee, Academic Staff Member, Appointee or Volunteer Appointee with advice relating to sections 4.19, 4.20, 4.21 and/or 4.22 or an increase in the dollar limits set out in those sections. The ELT Manager must act reasonably and in the best interests of the University in providing such advice and shall only increase such dollar limits in exceptional circumstances and in accordance with the principles of this policy.
- 4.27 The Employee, Academic Staff Member, Appointee or Volunteer Appointee will be deemed to have complied with sections 4.19, 4.20, 4.21 and/or 4.22 if they comply with their ELT Manager's prior written advice and/or dollar limits.

Use of University Resources

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

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4.29 Notwithstanding 4.28, 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.

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4.30 Employees, Academic Staff Members, Appointees, Students, and Volunteer 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.

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Presidential Obligations

4.31 In addition to their obligations under section 4.10, the President must not use their office or powers to influence or seek to influence a decision to be made by or on behalf of the Crown in right of Alberta, a provincial agency or the University in order to improperly further their own or any other person's private interest.

4.32 In addition to their obligations under section 4.14, the President must not use or communicate information that is not available to the general public and is gained in the course of carrying out their office or powers to further or seek to further their own or any other person's private interest.

4.33 The President must apply to the chair of the University's Board of Governors and the Ethics Commissioner of Alberta for written approval prior to becoming involved in any appointment, business, undertaking or employment, including self-employment, other than their employment as President. The President must comply with any conditions that the chair and/or the Ethics Commissioner imposes in connection with such approval.

This section applies immediately to any individual who becomes President after December 15, 2017.

With respect to any individual who was the President on December 15, 2017, this section applies on the earlier of: (i) December 15, 2019, and (ii) the date their presidential contract is revised.

4.34 The President must request that the Ethics Commissioner review and confirm any advice or increase in dollar limits the President receives from their ELT Manager pursuant to section 4.26 and must receive the Ethics Commissioner's written confirmation before section 4.27 applies to the President.

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

This section applies immediately to any individual who becomes President after December 15, 2017.

With respect to any individual who was the President on December 15, 2017, this section applies on the earlier of: (i) December 15, 2019, and (ii) the date their presidential contract is revised.

4.36 Publicly-traded securities must be managed within 60 days of the individual becoming the President, section 23.93 of the Conflicts of Interest Act becoming applicable to the President, or the President's acquisition of publicly-traded securities by gift or inheritance. The Ethics Commissioner may set out a longer period.

4.37 Each year at a time specified by the Ethics Commissioner, the President must provide to the Ethics Commissioner a disclosure statement of the assets, liabilities, investments and financial interest of the President, the President's spouse or adult interdependent partner, the President's minor children, and any private corporation controlled by the President, the President's spouse or adult interdependent partner, the President's minor children, or any combination thereof.

4.38 The President also must provide a return relating to persons directly associated to the Ethics Commissioner within 60 days of becoming the President or of section 23.932 of the Conflicts of Interest Act becoming applicable to the President.

4.39 The President must file an updated disclosure statement or or return relating to persons directly associated within 30 days of any material changes to a previous disclosure statement or return relating to persons directly associated. The President also must file an updated return relating to persons directly associated within 30 days of ceasing to be the President.

4.40 As required by s. 23.937 of the Conflicts of Interest Act, for 12 months after the last day they hold their position as President, the President:

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

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

This section applies immediately to any individual who becomes President after December 15, 2017.

With respect to any individual who was the President on December 15, 2017, this section applies on the earlier of: (i) December 15, 2019, and (ii) the date their presidential contract is revised.

Reporting Wrongdoing

- 4.41 Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees may disclose known or suspected Wrongdoing to the Protected Disclosure Advisor or an independent party in accordance with the Procedure for Protected Disclosures. The Procedure for Protected Disclosures is set out in Appendix B.
- 4.42 An Employee, Academic Staff Member, Appointee, Student or Volunteer 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.
- 4.43 An Employee, Academic Staff Member, Appointee, Student or Volunteer 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.

Deleted: , Postdoctoral Scholars**Deleted:** Procedures**Deleted:** Disclosure**Deleted:** , Postdoctoral Scholar**Deleted:** collective agreement**Deleted:** , Postdoctoral Scholar**Deleted:** collective agreement**Reprisals**

- 4.44 Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees will not take any action in Reprisal against another individual.
- 4.45 An individual who believes they may be the subject of a Reprisal may notify the Protected Disclosure Advisor in accordance with the Procedure for Protected Disclosures.

Deleted: , Postdoctoral Scholars**Deleted:** he or she**Deleted:** relevant procedures.¶**5 Responsibilities****5.1 General Counsel will:**

- a) provide legal advice on matters relating to the application of this policy; and
- b) review this policy at least once every three years and, if deemed appropriate, will propose revisions to this policy in accordance with the Procedures for Developing University Policies and Procedures.

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5.2**5.2 Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees will:**

- 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; and
- c) be knowledgeable about the process available to assist in the reporting of Wrongdoing.

Deleted: Students, Postdoctoral Scholars and**Deleted:** Policy**Deleted:** Policy**5.3 Managers will:**

- a) encourage Employees, Academic Staff Members and Appointees reporting to them to become familiar with this policy;
- b) direct allegations of Wrongdoing to the Protected Disclosure Advisor;
- c) maintain an environment that encourages communication, free of the fear of Reprisal, concerning compliance with this policy; and

Deleted: ensure**Deleted:** and**Deleted:** are aware of and understand**Deleted:** Policy**Deleted:** and**Deleted:** Policy.

d) review an Employee's request to engage in any activity that may give rise to a Conflict of Commitment and, in a timely manner, inform the Employee in writing if their request has been approved or disapproved.

5.4 ELT Managers will provide a written response to a request made under section 4.24 in a timely manner.

5.5 Protected Disclosure Advisor will:

- a) respond to inquiries / questions about making a disclosure of Wrongdoing; and
- b) receive reports of Wrongdoing and coordinate the University's response in accordance with the Procedure for Protected Disclosures.

6 O.P.A.

6.1 "Outside Professional Activity" (O.P.A.) refers to those activities which the Academic Staff Member performs as a community service unless otherwise contractually arranged with the Governors or those for which the Academic Staff Member may receive remuneration.

O.P.A. is normally restricted to activities associated with the Academic Staff Member's major academic interests as an employee of the Governors.

6.2 The Governors of the University of Calgary (the "Governors") acknowledge the importance of O.P.A. to the professional development of Academic Staff Members and to the exercise of their University responsibilities. In recognition that O.P.A. offers valuable opportunities to enrich teaching and research, and to share the knowledge, skills, know-how and other resources of the institution with the community at large, the Governors encourage the involvement of Academic Staff Members in O.P.A.

6.3 O.P.A. must not detract from or interfere with the staff member's ability to render full service to the University in other areas of responsibility. Responsibility for ensuring compliance with this requirement rests with the Dean of the Faculty concerned.

6.4 The Governors expect Academic Staff Members will adhere to high standards of professional conduct and ethics. Academic Staff Members shall not use the University, its resources or the privileges of their appointment to compete unfairly with professionals outside the University.

6.5 An Academic Staff Member shall disclose in advance to the Dean, or Department Head if delegated, all proposed major O.P.A. The Academic Staff Member shall further disclose annually a record of all O.P.A. including a specific accounting of the time commitment as may be stipulated under Faculty guidelines.

6.6 No Academic Staff Member shall be required to violate ethical requirements of the member's profession or such legal constraints as may apply including the disclosure of the names of clients except as required pursuant to section 6.16 and 6.17.

6.7 The Academic Staff Member may, in the member's discretion, include the annual O.P.A. report in the Academic Performance Report to the President which is required under GPC procedures.

6.8 For the purposes of sections 6.1 to 6.27, major O.P.A. is defined to be any O.P.A. which involves any of the following:

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Deleted: Procedure

Deleted: Conflict of Interest – report, remedy
Conflict of Commitment (Major)

Deleted:)

- a) a leave, as defined in Article 18 of the Collective Agreement: Leaves; or
- b) the re-assignment or rescheduling of the Academic Staff Member's normal duties;
or
- c) the use of university space, resources, facilities, equipment, personnel; or
- d) the employment of other Academic Staff Members, other employees of the University, or students qua students, under any form of contract of employment whatever; or
- e) any O.P.A. which will occur during a period of leave pursuant to Articles 16, 17 or Article 18, Clause 18.4 of the Collective Agreement.

- 6.9 Compensation for O.P.A. authorized as part of the activities during a research and scholarship leave or professional fellowship leave shall not be considered "compensation" for the purposes of Article 16, Clause 16.19.1 or Article 17, Clause 17.11 of the Collective Agreement.
- 6.10 Compensation for O.P.A. authorized as part of the activities during an Assisted Study Leave shall not be considered "outside aid" for the purposes of Article 18, Clauses 18.4.10.1 and 18.4.10.2 of the Collective Agreement.
- 6.11 Documentation related to the disclosure of O.P.A. shall be treated with the strictest confidence and shall be made available only to those required to have access to such information pursuant to the provisions of sections 6.1 to 6.27.
- 6.12 Administrative decisions made by a Dean under the sections 6.1 to 6.27 shall be communicated to the Academic Staff Member in writing and shall state the reasons for each such decision.
- 6.13 The Parties recognize the need for flexibility at the Faculty and Department level in the development of appropriate O.P.A. guidelines relative to the legitimate interests of both the Governors and the individual Academic Staff Member. Towards this end, Faculty Councils or equivalent shall establish appropriate procedural guidelines consistent with sections 6.1 to 6.27. Deans have the responsibility to administer Faculty guidelines.
- 6.14 Faculty guidelines will normally include direction on the use of Faculty and Department resources, student participation, absences, reporting processes, and other matters as deemed appropriate from time to time. In addition to the requirement in section 6.5 a Faculty guideline may require prior disclosure of all O.P.A. Guidelines shall be subject to approval by the Provost and Vice-President (Academic).
- 6.15 A current copy of each guideline established pursuant to sections 6.12 and 6.13 shall be provided to the Faculty Association of the University of Calgary (the "Faculty Association") before such guideline shall come into effect.
- 6.16 Where faculties have not established guidelines pursuant to sections 6.12, 6.13, and 6.14, the Vice-President (Research) in consultation with the Provost and Vice-President (Academic) shall establish such guidelines. Such guidelines must conform to the requirements of sections 6.12, 6.13, and 6.14. Any such guidelines established may be replaced by guidelines subsequently developed by the Faculty Council pursuant to sections 6.12, 6.13, and 6.14.

- 6.17 An Academic Staff Member shall not engage in O.P.A. which creates or constitutes a conflict of interest in view of the Academic Staff Member's appointment to the academic staff of the University. In particular, Academic Staff Members shall disclose to the Dean all instances in which the Academic Staff Member has a significant interest in a business enterprise which does or proposes to do business with the University.
- 6.18 Should a Dean have reason to believe that an Academic Staff Member has or will have a conflict of interest with respect to a specific O.P.A., the Dean may request in writing that the Academic Staff Member respond in writing to specific questions, the answers to which are reasonably required to determine whether a conflict of interest exists or will exist. No such reasonable request shall be refused by the Academic Staff Member.
- 6.19 If the use of University resources is permitted for O.P.A., the requirements of applicable Governors policies and Faculty guidelines must be met and University programmes shall have priority. Academic Staff Members who wish to use University resources for work on private commission or hire shall have user's agreement with the Governors. Such agreement shall establish the terms of use, liability and indemnification, user fees and other related arrangements.
- 6.20 An Academic Staff Member who engages in O.P.A. shall covenant and agree to indemnify and hold harmless from and against any loss, injury or damage which the Governors may or could suffer arising in any way out of or in relation to such activity.
- 6.21 When engaged in O.P.A., Academic Staff Members shall not hold themselves to be agents of the University.
- 6.22 An Academic Staff Member may appeal decisions affecting O.P.A. only in accordance with the provisions of section 6.1 to 6.27.
- 6.23 Prior to initiating a formal appeal the Academic Staff Member shall meet with and seek to resolve the matter in discussion with the Dean or equivalent.
- 6.24 Should the matter fail to be resolved under section 6.22, the Academic Staff Member may appeal in writing to the Provost and Vice-President (Academic). At the request of either party a meeting shall be held in an attempt to resolve the matter.
- 6.25 If the matter is not resolved under section 6.23 a further appeal may be made to a panel of three members of the staff of the Governors holding academic appointments. Each of the Faculty Association and the Governors shall appoint one member to the panel. Together these two panel members shall jointly agree upon a third member, chosen from outside the Faculty in which the dispute arose, who shall be the Chair. No person shall serve on the panel if that person has been previously involved in the dispute. The panel may establish such procedures as it sees fit, subject only to the requirement that both the Governors and the Faculty Association are informed of the procedures at least five working days in advance of any hearing and that the procedures conform to the principles of natural justice and due process. The majority decision of the panel shall be final and binding on all parties.
- 6.26 If the original two appointees are unable to agree on a Chair within twenty (20) working days from the date the second nominee is appointed, the Chair will be selected by lot from a panel of seven senior staff members holding academic appointments. The panel shall be established annually, prior to July 1 by agreement of the President of the Faculty Association and the President of the Governors.

6.27 The Faculty Association shall have the right to have a representative present at steps of the appeal procedure pursuant to sections 6.23 and 6.24. The Faculty Association shall be notified at least five working days in advance of any meeting or hearing pursuant to these sections.

7 Procedure for Protected Disclosure

7.1 The Procedure for Protected Disclosures is set out in Appendix B, which forms part of this policy. The procedure provides that alleged breaches of this policy and other alleged protected disclosures may be reported to any of the following:

- a) a manager, supervisor, or dean;
- b) the Protected Disclosure Advisor Telephone: 403-220-4086 Email: disclose@ucalgary.ca
- c) the President of the University; or
- d) the external service provider established for this purpose ConfidenceLine (1-800-661-9675).

7.2 The Procedure for Protected Disclosures provides that the Protected Disclosure Advisor will determine if the protected disclosure should be referred to an alternate process, dismissed for a valid reason or investigated under the procedure. If it is investigated under the procedure, the Protected Disclosure Advisor will appoint an investigator (which may be a committee). The investigator will follow the principles of natural justice, which concern procedural fairness and ensure a fair decision is reached by an objective decision-maker.

8 Related Policies

9 Related Procedures

Procedure for Conflict of Interest
Procedure for Managing the Employment of Related Persons
Procedure for Protected Disclosures

10 Related Information

Article 13 of the Collective Agreement

Deleted: FAQs – in development¶

11 References

Alberta Public Agencies Governance Act
Conflicts of Interest Act
Public Interest Disclosure Act

Moved down [1]: Public Interest Disclosure Act¶

Moved (insertion) [1]

12 History

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 University of Calgary Conflict of Interest Policy (2006); the Employment of Family Policy (1985); the Outside Professional Activity Policy (1985); and the Disclosure Protection Policy (2005).

Deleted: Governors

Deleted: policy

Approved: December 3, 2014
 Effective: January 1, 2016

Editorial Change: March 8, 2018 (definition of “Student”)

Amended and published: [insert date of first business day after Ethics Commissioner's approval]

Effective: This policy becomes effective on April 30, 2019

Draft for Consultation

Appendix A



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| University Policy University Procedure Instructions/Forms |
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Procedure for Conflict of Interest

| Classification | Table of Contents |
|--|------------------------------|
| <u>Human Resources</u> | <u>Purpose</u> 1 |
| <u>Approval Authority</u> | <u>Scope</u> 2 |
| <u>President</u> | <u>Definitions</u> 3 |
| <u>Implementation Authority</u> | <u>Procedure</u> 4 |
| <u>Vice-President (Finance & Services)</u> | <u>Parent Policy</u> 5 |
| <u>Effective Date</u> | <u>Related Policies</u> 6 |
| <u>Next Revision</u> | <u>Related Information</u> 7 |
| | <u>Forms</u> 8 |
| | <u>History</u> 9 |

Purpose 1 This procedure sets out the process for disclosing, documenting and managing Conflict of Interest as set out in the University's Code of Conduct. There are additional conflict of interest obligations for Researchers in the Research Integrity Policy. There may also be additional conflict of interest obligations for individuals participating in University committees, boards or panels as set out in the applicable terms of reference.

Scope 2 This procedure applies to Academic Staff Members, Appointees, Employees, Volunteer Appointees and Researchers.

Definitions**3** In this procedure:

- 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 applicable Collective Agreement.
- b) “Appointee” means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments, visiting researchers and scholars.
- c) “Collective Agreement” means any collective agreement between the Governors of the University of Calgary and (i) the Faculty Association of the University of Calgary, (ii) the Alberta Union of Public Employees, or (iii) any other association or union representing Employees, in each case, in effect at the relevant time.
- d) A “Conflict of Interest” exists when, in the course of carrying out their University responsibilities, an individual takes any action where they know or ought to know that the action may result in a real or perceived Private Benefit to them or to a Related Person or Related Entity, including:
 - i. the 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. the 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 them or to a Related Person or Related Entity; or
 - iii. the 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.
- e) “Dean” means the head of a faculty at the University or the head of the University’s Qatar Campus, or for Academic Staff Members who are not members of a faculty, the most senior administrative person of their school or other unit.
- f) “Employee” means an individual, other than an Academic Staff Member or Appointee, who is engaged to work for the University under an employment contract.
- g) “Manager” means:
 - i. for the President, the chair of the University’s Board of Governors;

iii. any other person who is directly associated with an individual.

k) "Research" means an undertaking intended to extend knowledge through disciplined inquiry or systematic investigation. The conduct of Research includes applying for and managing funds, collecting and analyzing data, and disseminating results.

l) "Researcher" means an individual who undertakes Research under the auspices of or in affiliation with the University regardless of the source of funding.

m) "SLT Member" means an Employee who, at the relevant time, is designated as a member of the Senior Leadership Team.

n) "University" means the University of Calgary and its subsidiaries.

o) "Volunteer 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.

Procedure

4 Conflict of Interest

4.1 The University recognizes that Conflict of Interest will occur. Conflict of Interest will be disclosed and managed in a fair, open and practical manner.

4.2 An individual engaging in an activity or situation that involves a Conflict of Interest will report the Conflict of Interest so that it may be assessed and, when appropriate, managed.

Academic Staff Members

4.3 Academic Staff Members will disclose any Conflict of Interest relating to outside professional activity, hiring, promotion and tenure to their Dean in accordance with the applicable Collective Agreement provisions.

4.4 Academic Staff Members may have additional conflict of interest obligations and disclosure requirements in their role as Researchers as set out in 4.25 and 4.26.

4.5 Academic Staff Members have an ongoing obligation to disclose to their Dean, in writing, any time a Conflict of Interest arises.

4.6 Academic Staff Members will disclose any Conflict of Interest not covered by sections 4.3 and 4.4 to their Dean who will assess the Conflict of Interest and determine whether:

a) there is a Conflict of Interest;

b) the Conflict of Interest may be managed as an allowed Conflict of Interest; or

c) the Conflict of Interest is not able to withstand reasonable and independent scrutiny.

4.7 If the Dean determines that there is not a Conflict of Interest, the Dean will indicate in writing that there is no Conflict of Interest.

4.8 If the Dean determines that there is a Conflict of Interest that may be managed, the Dean will work with the Academic Staff Member to determine an appropriate conflict management plan.

4.9 Details of the conflict management plan will be documented and signed by the Dean and the Academic Staff Member.

4.10 If the Dean determines that there is a Conflict of Interest that cannot be appropriately managed, the Academic Staff Member will be required to take steps to eliminate the Conflict of Interest. The steps taken to eliminate the Conflict of Interest will be documented and signed by the Dean and the Academic Staff Member.

4.11 If a Dean has a financial or personal interest in the Conflict of Interest being assessed the Conflict of Interest will be assessed by the next appropriate senior reporting officer.

4.12 The Dean will keep all records required by this procedure in accordance with University document retention rules.

4.13 The Dean will administer or delegate the implementation and ongoing monitoring of the conflict management plan.

Employees, Appointees and Volunteer Appointees

4.14 Employees and Appointees with the authority to approve expenditures (including purchasing) or contracts on behalf of the University or the authority to approve the hiring of an individual on behalf of the University are required to complete the Conflict of Interest Disclosure Form annually. The Conflict of Interest Disclosure Form will be submitted no later than January 31 each year.

4.15 All Employees, Appointees and Volunteer Appointees are required to complete a Conflict of Interest Disclosure Form any time a new Conflict of Interest arises. A Volunteer Appointee who is subject to substantially similar Conflict of Interest disclosure requirements as a result of being 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 University Alumni Association Board may fulfill their obligations under this 4.15 by complying with those substantially similar Conflict of Interest disclosure requirements if the Conflict of Interest arises in their role as Volunteer Appointee.

4.16 The Employee, Appointee or Volunteer Appointee will submit the Conflict of Interest Disclosure Form to their Manager who will assess the Conflict of Interest and determine whether:

- a) there is a Conflict of Interest;
- b) the Conflict of Interest may be managed as an allowed Conflict of Interest; or
- c) the Conflict of Interest is not able to withstand reasonable and independent scrutiny.

4.17 If the Manager determines that there is not a Conflict of Interest, the Manager will sign the Conflict of Interest Disclosure Form indicating that there is no Conflict of Interest.

4.18 If the Manager determines that there is a Conflict of Interest that may be managed, the Manager will work with the Employee, Appointee or Volunteer Appointee to determine an appropriate conflict management plan.

4.19 Details of the conflict management plan will be documented and signed by the Manager and the Employee, Appointee or Volunteer Appointee.

4.20 If the Manager determines that there is a Conflict of Interest that cannot be appropriately managed, the Employee, Appointee or Volunteer Appointee will be required to take steps to eliminate the Conflict of Interest. The steps taken to eliminate the Conflict of Interest will be documented on the Conflict of Interest Disclosure Form.

4.21 If a Manager has a financial or personal interest in the Conflict of Interest being assessed the Conflict of Interest Disclosure Form will be assessed by the next appropriate senior reporting officer or the Chair of the Board of Governors, as applicable.

4.22 The Manager will keep all records required by this procedure in accordance with University document retention rules.

4.23 The Manager will administer or delegate the implementation and ongoing monitoring of the conflict management plan.

4.24 Employees and Appointees may have additional conflict of interest obligations and disclosure requirements in their role as Researchers as set out in 4.25 and 4.26.

Researchers

4.25 Academic Staff Members, Employees and Appointees who engage in Research will comply with any additional conflict of interest requirements of the Research Integrity Policy, the applicable funding agency, the applicable research agreement and any additional standards set pursuant to 4.26.

4.26 The Vice-President (Research) has the authority to set additional standards for the disclosure and management of conflicts of interest related to Research.

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| <u>Parent Policy</u> | <u>5</u> | <u>Code of Conduct</u> |
| <u>Related Policies</u> | <u>6</u> | <u>Research Integrity Policy</u> |
| <u>Related Information</u> | <u>7</u> | <u>Research Compliance Website</u> <u>Instructions for US PHS Funding Disclosure of Financial Conflicts of Interest</u> |
| <u>Forms</u> | <u>8</u> | <u>Conflict of Interest Disclosure Form</u> |
| <u>History</u> | <u>9</u> | |

Draft for Consultation

Appendix B



University Policy
University Procedure
 Instructions/Forms

Procedure for Protected Disclosures

| | | | |
|--------------------------|------------------|---------------------|---|
| Classification | Governance | Table of Contents | |
| Approval Authority | President | Purpose | 1 |
| Implementation Authority | General Counsel | Scope | 2 |
| Effective Date | March 1, 2006 | Definitions | 3 |
| Latest Revision | December 3, 2015 | Procedure | 4 |
| | | Parent Policy | 5 |
| | | Related Procedures | 6 |
| | | Related Information | 7 |
| | | References | 8 |
| | | History | 9 |

- Purpose** 1 This procedure outlines the process by which:
- individuals may make a Protected Disclosure;
 - the University will respond to a Protected Disclosure; and
 - individuals will be protected from Reprisals for making a Protected Disclosure.
- Scope** 2 This procedure applies to Protected Disclosures except Protected Disclosures involving allegations of breaches of the Research Integrity Policy, which will be dealt with under the Procedure for Investigating a Breach of Research Integrity. However, substantiated allegations of breaches of the Research Integrity Policy that are also breaches of the Act will be included in the Chief Officer's annual report pursuant to this procedure.
- Definitions** 3 In this procedure:
- "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 between the Faculty Association of the University of Calgary and the Governors of the University of Calgary in effect at the relevant time.
 - "Act" means the Public Interest Disclosure (Whistleblower Protection) Act (Alberta).

- c) "Appointee" means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments and visiting researchers and scholars.
- d) "Business Days" means days that the University is open for business, excluding weekends and holiday closures.
- e) "Chief Officer" means the President of the University as set out in the Act.
- f) "Commissioner" means the Public Interest Commissioner of Alberta.
- g) "Complainant" means the person making a Protected Disclosure.
- h) "ConfidenceLine" means the external service provider established for receiving complaints under the Act.
- i) "Contractor" means an individual or a corporation or other entity who agrees to furnish materials to or perform services for the University for consideration.
- j) "Employee" means an individual, other than an Academic Staff Member or Appointee, who is engaged to work for the University under an employment contract.
- k) "Interference" means any direct or indirect action or use of authority to obstruct an individual's right to make a Protected Disclosure.
- l) "Investigation Report" means the written report summarizing the investigation and the Investigators findings including:
 - i. findings of fact;
 - ii. assessment of all of the evidence; and
 - iii. an analysis and conclusion as to whether or not the complaint was substantiated.
- m) "Investigator" means the person or persons appointed by the Protected Disclosure Advisor to investigate a Protected Disclosure.
- n) "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 Academic Staff Member.
- o) "Protected Disclosure" means any disclosure:
 - i. made pursuant to the Act;
 - ii. involving an allegation of a breach of the Code of Conduct; or
 - iii. involving an allegation of a breach of any other University policy where a Respondent is an Academic Staff Member, Appointee, Contractor, Volunteer or Postdoctoral Scholar.

- p) "Protected Disclosure Advisor" is the University's designated officer pursuant to the Act who is responsible for:
 - i. receiving, screening, and preliminary analysis of Protected Disclosures;
 - ii. managing Protected Disclosures;
 - iii. selecting and mandating the Investigator; and
 - iv. reviewing the Investigation Report and making recommendations to the Chief Officer.
- q) "Reprisal" means Retaliatory Measures that are taken against an individual because the individual has sought advice about making a Protected Disclosure, made a Protected Disclosure in good faith, co-operated in an investigation of a Protected Disclosure, or declined to participate in behaviour that would breach University policy.
- r) "Respondent" means the Employee, Academic Staff Member, Appointee, Postdoctoral Scholar, Student, Contractor or Volunteer who is alleged to have breached the Act, the Code of Conduct or where applicable, other University policy.
- s) 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 act that adversely affects the employment, working conditions, or education of the individual; and
 - iii. a threat to do any of the above.
- t) "Student" means an individual registered in a University course or program of study.
- u) "University" means the University of Calgary.
- v) "Volunteer" means an individual who, on a voluntary basis, provides a service or materials to the University.
- w) "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:
 - i. 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
 - ii. 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.

Procedure

4 Making a Protected Disclosure

4.1 An individual may make a Protected Disclosure to any of the following:

- a) a manager, supervisor, or dean;
- b) the [Protected Disclosure Advisor](#)
Telephone: 403-220-4086
Email: disclose@ucalgary.ca
- c) the President of the University; or
- d) the external service provider established for this purpose:
ConfidenceLine (1-800-661-9675).

4.2 The Protected Disclosure should include the following information:

- a) the nature of the activity giving rise to the complaint;
- b) a description of all parties involved;
- c) any potential financial interests and rewards;
- d) possible violations of law or University policy; and
- e) any other information useful in evaluating the Protected Disclosure.

4.3 The Protected Disclosure may be submitted anonymously but the Complainant should be aware that this may limit the ability of the University to respond and investigate.

Receipt of a Protected Disclosure by a Manager, Supervisor, Dean or the President.

4.4 An individual, other than the Protected Disclosure Advisor, who receives a Protected Disclosure will respond in writing within five (5) Business Days after receipt to acknowledge receipt of the Protected Disclosure.

4.5 The individual receiving the Protected Disclosure will record the details of the Protected Disclosure in writing, including:

- a) the date and time the disclosure was received;
- b) the name of the Complainant (unless the Complainant has requested anonymity);
- c) the name(s) of the Respondent; and
- d) full details of the disclosure.

4.6 The individual receiving the Protected Disclosure will promptly refer the Protected Disclosure to the Protected Disclosure Advisor.

Receipt of a Protected Disclosure by the External Service Provider

4.7 A call assistant will answer a call to *ConfidenceLine*. A call assistant will listen to and record details of the Protected Disclosure. The call assistant may also ask the Complainant questions to clarify facts.

4.8 The Complainant may provide their name to the call assistant or choose to remain anonymous. In either case, the call assistant will provide the Complainant with a personal Caller Information Number (CIN) which will be the only identification required for subsequent calls by the Complainant to the *ConfidenceLine*.

4.9 The call assistant will create a report containing pertinent information about the Protected Disclosure. This information will be made available electronically to the Protected Disclosure Advisor.

4.10 The call assistant will provide the Complainant with information on whether the Protected Disclosure is being investigated if the Complainant calls back.

Receipt of a Protected Disclosure by the Protected Disclosure Advisor

4.11 If the Protected Disclosure has not yet been acknowledged, the Protected Disclosure Advisor will acknowledge receipt of the Protected Disclosure within five (5) Business Days after it is received by the Protected Disclosure Advisor.

4.12 The Protected Disclosure Advisor will review the following with the Complainant if the Complainant is not anonymous:

- a) this procedure;
- b) potential alternative procedures for dealing with the matter;
- c) confidentiality protections;
- d) the record keeping process; and
- e) the commitment of the University to protect the Complainant from Reprisal.

4.13 Within ten (10) Business Days of receipt of the Protected Disclosure by the Protected Disclosure Advisor, the Protected Disclosure Advisor will decide if:

- a) the disclosure should be dealt with as a Protected Disclosure of Wrongdoing;
- b) the disclosure should be referred to an alternate process;
- c) the disclosure should be dismissed for being frivolous or vexatious or made in bad faith; or
- d) the disclosure should be dismissed for another valid reason.

4.14 Within the ten (10) Business Days of receipt of the Protected Disclosure by the Protected Disclosure Advisor, the Protected Disclosure Advisor will inform the *ConfidenceLine* or the Complainant, if the Complainant is not anonymous, of the decision and what the next steps are, if any.

4.15 The Protected Disclosure Advisor will refer the Protected Disclosure to the Commissioner as soon as reasonably practicable if the Protected Disclosure Advisor reasonably believes that the matter to which the Protected Disclosure relates constitutes an imminent risk of substantial

or specific danger to the life, health or safety of individuals, or to the environment.

Protecting the Complainant

4.16 The Protected Disclosure Advisor may appoint an advocate for the Complainant to assist in managing the Complainant's welfare. The advocate will:

- a) examine the immediate welfare and protection needs of the Complainant;
- b) ensure the Complainant is aware of employee assistance programs or other supports;
- c) listen to any concerns of harassment or intimidation, or Reprisal for making a Protected Disclosure; and
- d) act as liaison and guide pertaining to the process.

Investigating a Protected Disclosure

4.17 The Protected Disclosure Advisor will appoint an Investigator to carry out the investigation. The Investigator may be an individual internal or external to the University or a committee. When the Protected Disclosure Advisor appoints a committee, the Protected Disclosure Advisor will appoint one member of the committee as chair.

4.18 The objectives of the investigation will be:

- a) to collect information relating to the allegation. This may involve steps to protect or preserve documents, materials and equipment and to interview witnesses;
- b) to consider the information collected and to draw conclusions objectively and impartially;
- c) to maintain procedural fairness in the treatment of the Complainant, Respondent and witnesses; and
- d) If applicable, to make recommendations arising from the conclusions drawn concerning non-disciplinary remedial or other appropriate action.

4.19 The Protected Disclosure Advisor will draw up terms of reference for the investigation of a Protected Disclosure and obtain authorization for those terms from General Counsel prior to appointing the Investigator.

4.20 The terms of reference will set a date, no later than 110 Business Days after the receipt of the Protected Disclosure, by which the Investigation Report is to be concluded and will describe the resources available to the Investigator to complete the investigation within the time allotted.

4.21 Pursuant to the Act, the Chief Officer may approve an extension of time to complete an investigation up to thirty (30) Business Days when requested by the Investigator. Any further extension of time must be approved in advance by the Commissioner.

- 4.22 The terms of reference will require the Investigator to update the Protected Disclosure Advisor on the progress of the investigation who, in turn, will keep General Counsel informed of the progress.
- 4.23 The Investigator will prepare an investigation plan for approval by the Protected Disclosure Advisor. The plan will list the issues to be substantiated and describe the avenue of inquiry. The plan will ask the following questions:
- a) What is being alleged?
 - b) What are the possible findings or offenses?
 - c) What are the facts in issue?
 - d) How is the inquiry to be conducted?
 - e) What resources are required?
- 4.24 If the Complainant can be contacted, the Complainant will, at this point in the process, be:
- a) notified by the Investigator that they have been appointed to conduct the investigation;
 - b) asked to clarify any matters; and
 - c) asked to provide any additional material the Complainant might have.
- 4.25 The Investigator will follow the principles of natural justice. The principles of natural justice concern procedural fairness and ensure a fair decision is reached by an objective decision-maker. Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process.

The University will show consideration for the following precepts in ensuring procedural fairness:

- a) the Respondent is entitled to know the allegations made against them and must be given the right to respond. This does not mean the Respondent must be advised of the allegation as soon as the disclosure is received or the Investigation has commenced; and
- b) if the Investigator is contemplating making a report adverse to the interests of any person, that person should be given the opportunity to put forward further material that may influence the outcome of the report and that person's defense should be set out in the report.

Conducting the Investigation

- 4.26 Everyone involved in the investigation of a Protected Disclosure will keep all information relating to the Protected Disclosure confidential except for information required to be shared under this policy or information shared with those who have a legitimate need for the information.
- 4.27 The Investigator will make notes of all discussions, phone calls, and interviews with witnesses.

4.28 If the Complainant or Respondent are represented by a union or faculty association, they will be advised of their right to representation and may request to have a union or faculty association representative present during any investigation meetings or interviews.

4.29 The Protected Disclosure Advisor will advise the Complainant of the progress of the Investigation and whether the complaint was substantiated or not.

Final Report of the Investigator

4.30 When the Investigation is complete, the Investigator will submit a written investigation report to the Protected Disclosure Advisor. The report will include:

- a) the allegation;
- b) an account of all relevant information received and, if the Investigator has rejected evidence as being unreliable, the reasons for this conclusion;
- c) the conclusions reached and the basis for them; and
- d) if the Investigator has found evidence of wrongdoing, recommendations for non-disciplinary action that should be taken to prevent the conduct from continuing or occurring in the future as well as action that should be taken to remedy any harm or loss arising from the misconduct.

4.31 If the investigation has identified any other possible violations of the Act or University policy, the Investigator should include the possible violations in the report. The possible violations identified in the report will be dealt with by the Protected Disclosure Advisor in accordance with this procedure.

4.32 The report will be accompanied by all records created or received by the Investigator in the course of the investigation.

4.33 The report will not include information that leads or could lead to the identification of the Complainant if the Complainant has requested anonymity.

Outcome of the Investigation

4.34 If the Protected Disclosure Advisor is satisfied that the report brings the Investigation to an end, the Protected Disclosure Advisor will provide a report to General Counsel including:

- a) whether the Protected Disclosure was substantiated; and
- b) recommendations for non-disciplinary corrective action.

4.35 If the Protected Disclosure included a violation of the Act, the Protected Disclosure Advisor will provide the report referred to in 4.34 to the Chief Officer.

4.36 If the complaint is substantiated, the Protected Disclosure Advisor will provide the relevant dean or manager with the report or a summary of the report's findings and recommendations.

4.37 A Respondent who is found to have committed a breach of the Act or of University policy 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.

Records

4.38 Records pertaining to a Protected Disclosure are the property of the University and will be retained in accordance with University document retention rules. Records will also be safeguarded to ensure confidentiality and, when applicable, the Complainant's anonymity.

4.39 The Protected Disclosure Advisor will provide the Chief Officer and the Chair of the Board of Governors with an annual statistical summary of all Protected Disclosures received under this procedure including those handled informally or referred to an alternate process.

Chief Officer's Annual Report

4.40 The Chief Officer will prepare a report annually on all Protected Disclosures received which involve a violation of the Act. This report will include:

- a) the number of disclosures received by the Protected Disclosure Advisor that involve a violation of the Act, the number of disclosures that were acted on and the number of disclosures not acted on by the Protected Disclosure Advisor;
- b) the number of investigations commenced by the Protected Disclosure Advisor as a result of Protected Disclosures involving violations of the Act; and
- c) in the case of an investigation that results in a finding of a violation of the Act, a description of the violation and any recommendations made or corrective measures taken in relation to the violation or the reasons why no corrective action was taken.

4.41 The annual report of the Chief Officer will be included in the annual report of the University and will be made publically available upon request.

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|---------------------|---|---|
| Parent Policy | 5 | Code of Conduct |
| Related Policies | 6 | Harassment Policy Fraud Policy |
| Related Information | 7 | ODEPD website |
| References | 8 | Public Interest Disclosure (Whistleblower Protection) Act |

[Public Interest Disclosure \(Whistleblower Protection\) Regulation](#)

- History**
- 9** *Editorial Change:* May 15, 2018 (definition of "Student")
Approved: February 10, 2005
Effective: March 1, 2006
Revised: December 3, 2015

Code of Conduct

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| <p>Approval Authority Board of Governors</p> | |
| <p>Implementation Authority President</p> | |
| <p>Effective Date</p> | |
| <p>Last Reviewed</p> | |

1 Purpose

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 (which includes Postdoctoral Scholars), Academic Staff Members, Appointees, Students and Volunteer Appointees.

2 Scope

This policy applies to Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees.

3 Definitions

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 applicable Collective Agreement.

- b) “Appointee” means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments, visiting researchers and scholars.
- c) “Collective Agreement” means any collective agreement between the Governors of the University of Calgary and (i) the Faculty Association of the University of Calgary, (ii) the Alberta Union of Public Employees, or (iii) any other association or union representing Employees, in each case, 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, in the course of carrying out their University responsibilities, an individual takes any action where they know or ought to know that the action may result in a real or perceived Private Benefit to them or to a Related Person or Related Entity, including:
- i. the 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. the 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 them or to a Related Person or Related Entity; or
 - iii. the 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) “ELT Manager” means:
- i. for the President, the chair of the University’s Board of Governors;
 - ii. for an ELT Member other than the President, the President;
 - iii. for an Academic Staff Member, Appointee or other Employee of the University of Calgary, the ELT Member who has management responsibility for the faculty, department or unit of which the Academic Staff Member, Appointee or other Employee is a member;
 - iv. for an Employee of a subsidiary of the University, the ELT Member who has management responsibility for the subsidiary; and
 - v. for a Volunteer Appointee, the chair of the University’s Board of Governors, committee of the Board, Senate or University Alumni Board of Directors, as applicable.
- g) “ELT Member” means an Employee who, at the relevant time, is designated as a member of the Executive Leadership Team.

- h) “Employee” means an individual, other than an Academic Staff Member or Appointee, who is engaged to work for the University under an employment contract. For clarity, Postdoctoral Scholars are Employees.
- i) “Interference” means any direct or indirect action or use of authority to obstruct an individual’s right to make a Protected Disclosure.
- j) “Manager” means:
- i. for the President, the chair of the University’s Board of Governors;
 - ii. for an Academic Staff Member, Appointee or Employee of the University of Calgary (other than the President), the SLT Member who has management responsibility for the faculty, department or unit of which the Academic Staff Member, Appointee or other Employee is a member;
 - iii. for an Employee (other than the chief executive officer) of a subsidiary of the University, the chief executive officer of the subsidiary;
 - iv. for the chief executive officer of the subsidiary, the SLT Member who has management responsibility for the subsidiary; and
 - v. for a Volunteer Appointee, the chair of the University’s Board of Governors, committee of the Board, Senate or University Alumni Board of Directors, as applicable.
- k) “Outside Professional Activity” and “O.P.A.” have the meaning given to such terms in section 6.1 below.
- l) “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.
- m) “President” means the president of the University of Calgary.
- n) “Private Benefit” means a financial benefit, a personal benefit or furthering a private interest (and includes the avoidance of a negative consequence) other than a financial benefit, a personal benefit or a private interest that:
- i. is of general application;
 - ii. affects a person as a member of a group,, such as Academic Staff Members; or
 - iii. is inconsequential.
- o) “Protected Disclosure” means a disclosure made in good faith by an Employee, Academic Staff Member, Appointee, Student or Volunteer Appointee concerning an actual or perceived Wrongdoing.
- p) “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 a director or officer;
 - iii. 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;
 - iv. a non-profit corporation or an association of which the individual is a director or officer; and
 - v. 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), (iii) or (iv) above.
- q) “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.
- r) “Reprisal” means Retaliatory Measures that are taken against an individual because they have 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.
- s) 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.
- t) “SLT Member” means an Employee who, at the relevant time, is designated as a member of the Senior Leadership Team.
- u) “Student” means an individual registered in a University course or program of study.
- v) “University” means the University of Calgary and its subsidiaries.
- w) “University Resources” means the tangible and intangible assets of the University.
- x) “Volunteer 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.
- y) “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, Academic Staff Member or Appointee; 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.

4 Policy Statement

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, Appointees, Students and Volunteer 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, Appointees, Students and Volunteer 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 the academic freedom of an Academic Staff Member or Appointee.

4.4 Employees, Academic Staff Members, Appointees and Volunteer Appointees are required to conduct themselves impartially in fulfilling their University responsibilities. This means they must comply with section 4.2 and the other provisions of this policy.

Note: This section is not intended to limit the academic freedom of an Academic Staff Member or Appointee.

Compliance with Laws and Policies

4.5 Employees, Academic Staff Members, Appointees, Students and Volunteer 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.

4.6 For greater certainty, Employees, Academic Staff Members, Appointees, Students and Volunteer 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.

- 4.7** In some cases Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees are governed by ethical codes or standards of their professions or disciplines. Employees, Academic Staff, Appointees, Students and Volunteer 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 of Interest

- 4.8** Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees are required to disclose in writing, in accordance with the Procedure for Conflict of Interest, any actual, potential or perceived Conflict of Interest. The Procedure for Conflict of Interest is set out in Appendix A, which forms part of this policy.

- 4.9** Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees must not take part in a decision if doing so would result in a Conflict of Interest.

- 4.10** Employees, Academic Staff Members, Appointees, Students and Volunteer 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.

- 4.11** Employees, Academic Staff Members, Appointees and Volunteer Appointees must not accept any supplementary employment or appointment that gives rise to an actual or perceived Conflict of Interest.

- 4.12** Prior to accepting any supplementary employment or appointment, an Employee, Academic Staff Member, Appointee or Volunteer Appointee must disclose the supplementary employment or appointment to their Manager in writing, in accordance with the Procedure for Conflict of Interest.

- 4.13** In accordance with the Procedure for Conflict of Interest, their Manager must review the proposed supplementary employment or appointment to determine if it gives rise to an actual or perceived Conflict of Interest.

If the Manager determines that it does not give rise to an actual or perceived Conflict of Interest, the Manager must approve the supplementary employment or appointment in writing.

If the Manager determines that it does give rise to an actual or perceived Conflict of Interest, then the Manager must, in accordance with the procedure, put an appropriate plan in place to manage the Conflict of Interest.

If the Manager determines that the Conflict of Interest cannot be appropriately managed, then the Employee, Academic Staff Member, Appointee or Volunteer Appointee must take steps to eliminate the actual or perceived Conflict of Interest and the steps taken to do so must be documented and agreed to by the Manager.

- 4.14** Employees, Academic Staff Members, Appointees, Students and Volunteer 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.

Supervising Related Persons

- 4.15** An Employee, Academic Staff Member or Appointee must not supervise a Related Person.
- 4.16** Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees must not be involved in the recruitment, selection, or review of a Related Person.

Conflicts of Commitment and Outside Professional Activity

- 4.17** When an Employee or Appointee, other than the President, intends to engage in any activity that may give rise to a Conflict of Commitment, the Employee or Appointee must disclose the activity to their Manager and obtain their Manager's written approval prior to engaging in the activity. A Manager will not approve engaging in the activity unless the Manager is satisfied, acting reasonably, that the Employee or Appointee will be able to devote sufficient time and energy to effectively fulfill their University responsibilities while engaging in the activity.
- 4.18** An Academic Staff Member may only engage in major Outside Professional Activity which complies with the provisions in sections 6.1 to 6.27 below. However, sections 6.1 to 6.27 do not replace or supersede the provisions of Article 13 of the Collective Agreement with the Faculty Association of the University of Calgary. Consequently, if there is a conflict between sections 6.1 to 6.27 and Article 13 of the Collective Agreement, the Collective Agreement governs to the extent necessary to resolve the conflict.

Gifts

- 4.19** Employees, Academic Staff Members, Appointees and Volunteer Appointees must not accept gifts 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) the normal exchange of hospitality between persons doing business together;
 - c) tokens exchanged as part of protocol;
 - d) the normal presentation of gifts to persons participating in public functions, awards, speeches, lectures, presentations or seminars.

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

The value of a single tangible gift permitted by this section shall not exceed \$200. The cumulative maximum cash value limit for tangible gifts permitted by this section from a single source in a calendar year is \$400.

- 4.20** Subject to sections 4.21 and 4.22, for any Employee, Academic Staff Member, Appointee or Volunteer Appointee the value of a single event invitation permitted by this section shall not exceed \$500. The cumulative maximum cash value limit for event invitations permitted by this section from a single source in a calendar year is \$1,000.
- 4.21** Subject to section 4.22, for the President only, the value of a single event invitation permitted by this section from a donor or friend of the University shall not exceed \$1,000, and the cumulative maximum cash value limit for event invitations permitted by this section from a single donor of the agency in a calendar year is \$2,000.
- 4.22** If an Employee, Academic Staff Member, Appointee or Volunteer Appointee accepts an invitation to speak, or participate in a panel, at a conference, seminar, workshop or similar event (a "Conference Invitation") and their speech or participation relates to their University responsibilities or their major academic interests, the total value of the transportation costs, registration fees, accommodation, meals and related incidentals which may be gifted to them in connection with the Conference Invitation shall not exceed \$8,000. The cumulative maximum cash value limit for of such items permitted by this section from a single source in a calendar year is \$16,000.
- 4.23** Sections 4.20 and 4.21 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.
- 4.24** An Employee, Academic Staff Member, Appointee or Volunteer Appointee may request that their ELT Manager provide advice relating to the Employee's, Academic Staff Member's, Appointee's or Volunteer Appointee's obligations under sections 4.19, 4.20, 4.21 or 4.22 or an increase in the dollar limits set out in those sections.
- 4.25** The Employee, Academic Staff Member, Appointee or Volunteer Appointee must provide their ELT Manager with all material information relating to a request under section 4.24.
- 4.26** The ELT Manager may, in writing, provide the Employee, Academic Staff Member, Appointee or Volunteer Appointee with advice relating to sections 4.19, 4.20, 4.21 and/or 4.22 or an increase in the dollar limits set out in those sections. The ELT Manager must act reasonably and in the best interests of the University in providing such advice and shall only increase such dollar limits in exceptional circumstances and in accordance with the principles of this policy.
- 4.27** The Employee, Academic Staff Member, Appointee or Volunteer Appointee will be deemed to have complied with sections 4.19, 4.20, 4.21 and/or 4.22 if they comply with their ELT Manager's prior written advice and/or dollar limits.

Use of University Resources

- 4.28** Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees may only use University Resources for activities on behalf of the University and within their scope of responsibility.
- 4.29** Notwithstanding 4.28, 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.
- 4.30** Employees, Academic Staff Members, Appointees, Students and Volunteer 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.

Presidential Obligations

- 4.31** In addition to their obligations under section 4.10, the President must not use their office or powers to influence or seek to influence a decision to be made by or on behalf of the Crown in right of Alberta, a provincial agency or the University in order to improperly further their own or any other person's private interest.
- 4.32** In addition to their obligations under section 4.14, the President must not use or communicate information that is not available to the general public and is gained in the course of carrying out their office or powers to further or seek to further their own or any other person's private interest.
- 4.33** The President must apply to the chair of the University's Board of Governors and the Ethics Commissioner of Alberta for written approval prior to becoming involved in any appointment, business, undertaking or employment, including self-employment, other than their employment as President. The President must comply with any conditions that the chair and/or the Ethics Commissioner imposes in connection with such approval.

This section applies immediately to any individual who becomes President after December 15, 2017.

With respect to any individual who was the President on December 15, 2017, this section applies on the earlier of: (i) December 15, 2019, and (ii) the date their presidential contract is revised.

- 4.34** The President must request that the Ethics Commissioner review and confirm any advice or increase in dollar limits the President receives from their ELT Manager pursuant to section 4.26 and must receive the Ethics Commissioner's written confirmation before section 4.27 applies to the President.
- 4.35** As set out in section 23.93 of the Conflicts of Interest Act, the President must not own or hold a beneficial interest in publicly-traded securities unless held in a blind trust or investment arrangement approved by the Ethics Commissioner or the Ethics Commissioner grants prior approval of the retention of the ownership or beneficial interest. Approvals must be granted in writing by the Ethics Commissioner.

This section applies immediately to any individual who becomes President after December 15, 2017.

With respect to any individual who was the President on December 15, 2017, this section applies on the earlier of: (i) December 15, 2019, and (ii) the date their presidential contract is revised.

- 4.36** Publicly-traded securities must be managed within 60 days of the individual becoming the President, section 23.93 of the Conflicts of Interest Act becoming applicable to the President, or the President's acquisition of publicly-traded securities by gift or inheritance. The Ethics Commissioner may set out a longer period.
- 4.37** Each year at a time specified by the Ethics Commissioner, the President must provide to the Ethics Commissioner a disclosure statement of the assets, liabilities, investments and financial interest of the President, the President's spouse or adult interdependent partner, the President's minor children, and any private corporation controlled by the President, the President's spouse or adult interdependent partner, the President's minor children, or any combination thereof.
- 4.38** The President also must provide a return relating to persons directly associated to the Ethics Commissioner within 60 days of becoming the President or of section 23.932 of the Conflicts of Interest Act becoming applicable to the President.
- 4.39** The President must file an updated disclosure statement or or return relating to persons directly associated within 30 days of any material changes to a previous disclosure statement or return relating to persons directly associated. The President also must file an updated return relating to persons directly associated within 30 days of ceasing to be the President.
- 4.40** As required by s. 23.937 of the Conflicts of Interest Act, for 12 months after the last day they hold their position as President, the President:
- a) must not lobby any public office holder, as defined in the Lobbyists Act;
 - b) must not act on a commercial basis or make representations on behalf of any party in connection with any ongoing matter in connection with which the President directly acted for or advised a department or public agency ;
 - c) must not make representations with respect to or solicit or accept on their own behalf a contract or benefit from a department or public agency with which the President had a direct and significant official dealing; and
 - d) must not accept employment with an individual, organization, board of directors, or equivalent body of an organization with which the President had direct and significant official dealing.

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

This section applies immediately to any individual who becomes President after December 15, 2017.

With respect to any individual who was the President on December 15, 2017, this section applies on the earlier of: (i) December 15, 2019, and (ii) the date their presidential contract is revised.

Reporting Wrongdoing

- 4.41** Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees may disclose known or suspected Wrongdoing to the Protected Disclosure Advisor or an independent party in accordance with the Procedure for Protected Disclosures. The Procedure for Protected Disclosures is set out in Appendix B.
- 4.42** An Employee, Academic Staff Member, Appointee, Student or Volunteer 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.
- 4.43** An Employee, Academic Staff Member, Appointee, Student or Volunteer 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

- 4.44** Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees will not take any action in Reprisal against another individual.
- 4.45** An individual who believes they may be the subject of a Reprisal may notify the Protected Disclosure Advisor in accordance with the Procedure for Protected Disclosures.

5 Responsibilities

5.1 General Counsel will:

- a) provide legal advice on matters relating to the application of this policy; and
- b) review this policy at least once every three years and, if deemed appropriate, will propose revisions to this policy in accordance with the Procedures for Developing University Policies and Procedures.

5.2 Employees, Academic Staff Members, Appointees, Students and Volunteer Appointees will:

- 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; and
- c) be knowledgeable about the process available to assist in the reporting of Wrongdoing.

5.3 Managers will:

- a) encourage Employees, Academic Staff Members and Appointees reporting to them to become familiar with this policy;
- b) direct allegations of Wrongdoing to the Protected Disclosure Advisor;
- c) maintain an environment that encourages communication, free of the fear of Reprisal, concerning compliance with this policy; and

d) review an Employee's request to engage in any activity that may give rise to a Conflict of Commitment and, in a timely manner, inform the Employee in writing if their request has been approved or disapproved.

5.4 ELT Managers will provide a written response to a request made under section 4.24 in a timely manner.

5.5 Protected Disclosure Advisor will:

- a) respond to inquiries / questions about making a disclosure of Wrongdoing; and
- b) receive reports of Wrongdoing and coordinate the University's response in accordance with the Procedure for Protected Disclosures.

6 O.P.A.

6.1 "Outside Professional Activity" (O.P.A.) refers to those activities which the Academic Staff Member performs as a community service unless otherwise contractually arranged with the Governors or those for which the Academic Staff Member may receive remuneration.

O.P.A. is normally restricted to activities associated with the Academic Staff Member's major academic interests as an employee of the Governors.

6.2 The Governors of the University of Calgary (the "Governors") acknowledge the importance of O.P.A. to the professional development of Academic Staff Members and to the exercise of their University responsibilities. In recognition that O.P.A. offers valuable opportunities to enrich teaching and research, and to share the knowledge, skills, know-how and other resources of the institution with the community at large, the Governors encourage the involvement of Academic Staff Members in O.P.A.

6.3 O.P.A. must not detract from or interfere with the staff member's ability to render full service to the University in other areas of responsibility. Responsibility for ensuring compliance with this requirement rests with the Dean of the Faculty concerned.

6.4 The Governors expect Academic Staff Members will adhere to high standards of professional conduct and ethics. Academic Staff Members shall not use the University, its resources or the privileges of their appointment to compete unfairly with professionals outside the University.

6.5 An Academic Staff Member shall disclose in advance to the Dean, or Department Head if delegated, all proposed major O.P.A. The Academic Staff Member shall further disclose annually a record of all O.P.A. including a specific accounting of the time commitment as may be stipulated under Faculty guidelines.

6.6 No Academic Staff Member shall be required to violate ethical requirements of the member's profession or such legal constraints as may apply including the disclosure of the names of clients except as required pursuant to section 6.16 and 6.17.

6.7 The Academic Staff Member may, in the member's discretion, include the annual O.P.A. report in the Academic Performance Report to the President which is required under GPC procedures.

6.8 For the purposes of sections 6.1 to 6.27, major O.P.A. is defined to be any O.P.A. which involves any of the following:

- a) a leave, as defined in Article 18 of the Collective Agreement: Leaves; or
 - b) the re-assignment or rescheduling of the Academic Staff Member's normal duties; or
 - c) the use of university space, resources, facilities, equipment, personnel; or
 - d) the employment of other Academic Staff Members, other employees of the University, or students qua students, under any form of contract of employment whatever; or
 - e) any O.P.A. which will occur during a period of leave pursuant to Articles 16, 17 or Article 18, Clause 18.4 of the Collective Agreement.
- 6.9** Compensation for O.P.A. authorized as part of the activities during a research and scholarship leave or professional fellowship leave shall not be considered "compensation" for the purposes of Article 16, Clause 16.19.1 or Article 17, Clause 17.11 of the Collective Agreement.
- 6.10** Compensation for O.P.A. authorized as part of the activities during an Assisted Study Leave shall not be considered "outside aid" for the purposes of Article 18, Clauses 18.4.10.1 and 18.4.10.2 of the Collective Agreement.
- 6.11** Documentation related to the disclosure of O.P.A. shall be treated with the strictest confidence and shall be made available only to those required to have access to such information pursuant to the provisions of sections 6.1 to 6.27.
- 6.12** Administrative decisions made by a Dean under the sections 6.1 to 6.27 shall be communicated to the Academic Staff Member in writing and shall state the reasons for each such decision.
- 6.13** The Parties recognize the need for flexibility at the Faculty and Department level in the development of appropriate O.P.A. guidelines relative to the legitimate interests of both the Governors and the individual Academic Staff Member. Towards this end, Faculty Councils or equivalent shall establish appropriate procedural guidelines consistent with sections 6.1 to 6.27. Deans have the responsibility to administer Faculty guidelines.
- 6.14** Faculty guidelines will normally include direction on the use of Faculty and Department resources, student participation, absences, reporting processes, and other matters as deemed appropriate from time to time. In addition to the requirement in section 6.5 a Faculty guideline may require prior disclosure of all O.P.A. Guidelines shall be subject to approval by the Provost and Vice-President (Academic).
- 6.15** A current copy of each guideline established pursuant to sections 6.12 and 6.13 shall be provided to the Faculty Association of the University of Calgary (the "Faculty Association") before such guideline shall come into effect.
- 6.16** Where faculties have not established guidelines pursuant to sections 6.12, 6.13, and 6.14, the Vice-President (Research) in consultation with the Provost and Vice-President (Academic) shall establish such guidelines. Such guidelines must conform to the requirements of sections 6.12, 6.13, and 6.14. Any such guidelines established may be replaced by guidelines subsequently developed by the Faculty Council pursuant to sections 6.12, 6.13, and 6.14.

- 6.17** An Academic Staff Member shall not engage in O.P.A. which creates or constitutes a conflict of interest in view of the Academic Staff Member's appointment to the academic staff of the University. In particular, Academic Staff Members shall disclose to the Dean all instances in which the Academic Staff Member has a significant interest in a business enterprise which does or proposes to do business with the University.
- 6.18** Should a Dean have reason to believe that an Academic Staff Member has or will have a conflict of interest with respect to a specific O.P.A., the Dean may request in writing that the Academic Staff Member respond in writing to specific questions, the answers to which are reasonably required to determine whether a conflict of interest exists or will exist. No such reasonable request shall be refused by the Academic Staff Member.
- 6.19** If the use of University resources is permitted for O.P.A., the requirements of applicable Governors policies and Faculty guidelines must be met and University programmes shall have priority. Academic Staff Members who wish to use University resources for work on private commission or hire shall have user's agreement with the Governors. Such agreement shall establish the terms of use, liability and indemnification, user fees and other related arrangements.
- 6.20** An Academic Staff Member who engages in O.P.A. shall covenant and agree to indemnify and hold harmless from and against any loss, injury or damage which the Governors may or could suffer arising in any way out of or in relation to such activity.
- 6.21** When engaged in O.P.A., Academic Staff Members shall not hold themselves to be agents of the University.
- 6.22** An Academic Staff Member may appeal decisions affecting O.P.A. only in accordance with the provisions of section 6.1 to 6.27.
- 6.23** Prior to initiating a formal appeal the Academic Staff Member shall meet with and seek to resolve the matter in discussion with the Dean or equivalent.
- 6.24** Should the matter fail to be resolved under section 6.22, the Academic Staff Member may appeal in writing to the Provost and Vice-President (Academic). At the request of either party a meeting shall be held in an attempt to resolve the matter.
- 6.25** If the matter is not resolved under section 6.23 a further appeal may be made to a panel of three members of the staff of the Governors holding academic appointments. Each of the Faculty Association and the Governors shall appoint one member to the panel. Together these two panel members shall jointly agree upon a third member, chosen from outside the Faculty in which the dispute arose, who shall be the Chair. No person shall serve on the panel if that person has been previously involved in the dispute. The panel may establish such procedures as it sees fit, subject only to the requirement that both the Governors and the Faculty Association are informed of the procedures at least five working days in advance of any hearing and that the procedures conform to the principles of natural justice and due process. The majority decision of the panel shall be final and binding on all parties.
- 6.26** If the original two appointees are unable to agree on a Chair within twenty (20) working days from the date the second nominee is appointed, the Chair will be selected by lot from a panel of seven senior staff members holding academic appointments. The panel shall be established annually, prior to July 1 by agreement of the President of the Faculty Association and the President of the Governors.

6.27 The Faculty Association shall have the right to have a representative present at steps of the appeal procedure pursuant to sections 6.23 and 6.24. The Faculty Association shall be notified at least five working days in advance of any meeting or hearing pursuant to these sections.

7 Procedure for Protected Disclosure

7.1 The Procedure for Protected Disclosures is set out in Appendix B, which forms part of this policy. The procedure provides that alleged breaches of this policy and other alleged protected disclosures may be reported to any of the following:

- a) a manager, supervisor, or dean;
- b) the [Protected Disclosure Advisor](#) Telephone: 403-220-4086 Email: disclose@ucalgary.ca
- c) the President of the University; or
- d) the external service provider established for this purpose *ConfidenceLine* (1-800-661-9675).

7.2 The Procedure for Protected Disclosures provides that the Protected Disclosure Advisor will determine if the protected disclosure should be referred to an alternate process, dismissed for a valid reason or investigated under the procedure. If it is investigated under the procedure, the Protected Disclosure Advisor will appoint an investigator (which may be a committee). The investigator will follow the principles of natural justice, which concern procedural fairness and ensure a fair decision is reached by an objective decision-maker.

8 Related Policies

9 Related Procedures

[Procedure for Conflict of Interest](#)
[Procedure for Managing the Employment of Related Persons](#)
[Procedure for Protected Disclosures](#)

10 Related Information

[Article 13 of the Collective Agreement](#)

11 References

[Alberta Public Agencies Governance Act](#)
[Conflicts of Interest Act](#)
[Public Interest Disclosure Act](#)

12 History

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 University of Calgary 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

Effective: January 1, 2016

Editorial Change: March 8, 2018 (definition of “Student”)

Amended and published: [insert date of first business day after Ethics Commissioner's approval]

Effective: This policy becomes effective on April 30, 2019

Draft for Consultation

Appendix A



University Policy
University Procedure
 Instructions/Forms

Procedure for Conflict of Interest

| | | | |
|--------------------------|-------------------------------------|---------------------|---|
| Classification | Human Resources | Table of Contents | |
| Approval Authority | President | Purpose | 1 |
| Implementation Authority | Vice-President (Finance & Services) | Scope | 2 |
| Effective Date | | Definitions | 3 |
| Next Revision | | Procedure | 4 |
| | | Parent Policy | 5 |
| | | Related Policies | 6 |
| | | Related Information | 7 |
| | | Forms | 8 |
| | | History | 9 |

- Purpose**
- 1 This procedure sets out the process for disclosing, documenting and managing Conflict of Interest as set out in the University's Code of Conduct. There are additional conflict of interest obligations for Researchers in the Research Integrity Policy. There may also be additional conflict of interest obligations for individuals participating in University committees, boards or panels as set out in the applicable terms of reference.
- Scope**
- 2 This procedure applies to Academic Staff Members, Appointees, Employees, Volunteer Appointees and Researchers.

Definitions

- 3 In this procedure:
- 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 applicable Collective Agreement.
 - b) “Appointee” means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments, visiting researchers and scholars.
 - c) “Collective Agreement” means any collective agreement between the Governors of the University of Calgary and (i) the Faculty Association of the University of Calgary, (ii) the Alberta Union of Public Employees, or (iii) any other association or union representing Employees, in each case, in effect at the relevant time.
 - d) A “Conflict of Interest” exists when, in the course of carrying out their University responsibilities, an individual takes any action where they know or ought to know that the action may result in a real or perceived Private Benefit to them or to a Related Person or Related Entity, including:
 - i. the 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. the 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 them or to a Related Person or Related Entity; or
 - iii. the 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.
 - e) “Dean” means the head of a faculty at the University or the head of the University’s Qatar Campus, or for Academic Staff Members who are not members of a faculty, the most senior administrative person of their school or other unit.
 - f) “Employee” means an individual, other than an Academic Staff Member or Appointee, who is engaged to work for the University under an employment contract.
 - g) “Manager” means:
 - i. for the President, the chair of the University’s Board of Governors;

- ii. for an Academic Staff Member, Appointee or Employee of the University of Calgary (other than the President), the SLT Member who has management responsibility for the faculty, department or unit of which the Academic Staff Member, Appointee or other Employee is a member;
 - iii. for an Employee (other than the chief executive officer) of a subsidiary of the University, the chief executive officer of the subsidiary;
 - iv. for the chief executive officer of the subsidiary, the SLT Member who has management responsibility for the subsidiary; and
 - v. for a Volunteer Appointee, the chair of the University's Board of Governors, committee of the Board, Senate or University Alumni Board of Directors, as applicable.
- h) "Private Benefit" means a financial benefit, a personal benefit or furthering a private interest (and includes the avoidance of a negative consequence) other than a financial benefit, a personal benefit or a private interest that:
- i. of general application;
 - ii. affects a person as a member of a group, such as Academic Staff Members; or
 - iii. is inconsequential.
- i) "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 a director or officer;
 - iii. 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;
 - iv. a non-profit corporation or an association of which the individual is a director or officer; and
 - v. 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), (iii) or (iv) above.
- j) "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.
- k) “Research” means an undertaking intended to extend knowledge through disciplined inquiry or systematic investigation. The conduct of Research includes applying for and managing funds, collecting and analyzing data, and disseminating results.
- l) “Researcher” means an individual who undertakes Research under the auspices of or in affiliation with the University regardless of the source of funding.
- m) “SLT Member” means an Employee who, at the relevant time, is designated as a member of the Senior Leadership Team.
- n) “University” means the University of Calgary and its subsidiaries.
- o) “Volunteer 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.

Procedure

4 Conflict of Interest

- 4.1** The University recognizes that Conflict of Interest will occur. Conflict of Interest will be disclosed and managed in a fair, open and practical manner.
- 4.2** An individual engaging in an activity or situation that involves a Conflict of Interest will report the Conflict of Interest so that it may be assessed and, when appropriate, managed.

Academic Staff Members

- 4.3** Academic Staff Members will disclose any Conflict of Interest relating to outside professional activity, hiring, promotion and tenure to their Dean in accordance with the applicable Collective Agreement provisions.
- 4.4** Academic Staff Members may have additional conflict of interest obligations and disclosure requirements in their role as Researchers as set out in 4.25 and 4.26.
- 4.5** Academic Staff Members have an ongoing obligation to disclose to their Dean, in writing, any time a Conflict of Interest arises.
- 4.6** Academic Staff Members will disclose any Conflict of Interest not covered by sections 4.3 and 4.4 to their Dean who will assess the Conflict of Interest and determine whether:
 - a) there is a Conflict of Interest;
 - b) the Conflict of Interest may be managed as an allowed Conflict of Interest; or

- c) the Conflict of Interest is not able to withstand reasonable and independent scrutiny.
- 4.7 If the Dean determines that there is not a Conflict of Interest, the Dean will indicate in writing that there is no Conflict of Interest.
 - 4.8 If the Dean determines that there is a Conflict of Interest that may be managed, the Dean will work with the Academic Staff Member to determine an appropriate conflict management plan.
 - 4.9 Details of the conflict management plan will be documented and signed by the Dean and the Academic Staff Member.
 - 4.10 If the Dean determines that there is a Conflict of Interest that cannot be appropriately managed, the Academic Staff Member will be required to take steps to eliminate the Conflict of Interest. The steps taken to eliminate the Conflict of Interest will be documented and signed by the Dean and the Academic Staff Member.
 - 4.11 If a Dean has a financial or personal interest in the Conflict of Interest being assessed the Conflict of Interest will be assessed by the next appropriate senior reporting officer.
 - 4.12 The Dean will keep all records required by this procedure in accordance with University document retention rules.
 - 4.13 The Dean will administer or delegate the implementation and ongoing monitoring of the conflict management plan.

Employees, Appointees and Volunteer Appointees

- 4.14 Employees and Appointees with the authority to approve expenditures (including purchasing) or contracts on behalf of the University or the authority to approve the hiring of an individual on behalf of the University are required to complete the Conflict of Interest Disclosure Form annually. The Conflict of Interest Disclosure Form will be submitted no later than January 31 each year.
- 4.15 All Employees, Appointees and Volunteer Appointees are required to complete a Conflict of Interest Disclosure Form any time a new Conflict of Interest arises. A Volunteer Appointee who is subject to substantially similar Conflict of Interest disclosure requirements as a result of being 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 University Alumni Association Board may fulfill their obligations under this 4.15 by complying with those substantially similar Conflict of Interest disclosure requirements if the Conflict of Interest arises in their role as Volunteer Appointee.

- 4.16** The Employee, Appointee or Volunteer Appointee will submit the Conflict of Interest Disclosure Form to their Manager who will assess the Conflict of Interest and determine whether:
- a) there is a Conflict of Interest;
 - b) the Conflict of Interest may be managed as an allowed Conflict of Interest; or
 - c) the Conflict of Interest is not able to withstand reasonable and independent scrutiny.
- 4.17** If the Manager determines that there is not a Conflict of Interest, the Manager will sign the Conflict of Interest Disclosure Form indicating that there is no Conflict of Interest.
- 4.18** If the Manager determines that there is a Conflict of Interest that may be managed, the Manager will work with the Employee, Appointee or Volunteer Appointee to determine an appropriate conflict management plan.
- 4.19** Details of the conflict management plan will be documented and signed by the Manager and the Employee, Appointee or Volunteer Appointee.
- 4.20** If the Manager determines that there is a Conflict of Interest that cannot be appropriately managed, the Employee, Appointee or Volunteer Appointee will be required to take steps to eliminate the Conflict of Interest. The steps taken to eliminate the Conflict of Interest will be documented on the Conflict of Interest Disclosure Form.
- 4.21** If a Manager has a financial or personal interest in the Conflict of Interest being assessed the Conflict of Interest Disclosure Form will be assessed by the next appropriate senior reporting officer or the Chair of the Board of Governors, as applicable.
- 4.22** The Manager will keep all records required by this procedure in accordance with University document retention rules.
- 4.23** The Manager will administer or delegate the implementation and ongoing monitoring of the conflict management plan.
- 4.24** Employees and Appointees may have additional conflict of interest obligations and disclosure requirements in their role as Researchers as set out in 4.25 and 4.26.

Researchers

- 4.25** Academic Staff Members, Employees and Appointees who engage in Research will comply with any additional conflict of interest requirements of the Research Integrity Policy, the applicable funding agency, the applicable research agreement and any additional standards set pursuant to 4.26.

4.26 The Vice-President (Research) has the authority to set additional standards for the disclosure and management of conflicts of interest related to Research.

| | | |
|---------------------|---|--|
| Parent Policy | 5 | Code of Conduct |
| Related Policies | 6 | Research Integrity Policy |
| Related Information | 7 | Research Compliance Website Instructions for US PHS Funding Disclosure of Financial Conflicts of Interest |
| Forms | 8 | Conflict of Interest Disclosure Form |
| History | 9 | |

Draft for Consultation

Appendix B



University Policy
University Procedure
 Instructions/Forms

Procedure for Protected Disclosures

| | | | |
|--------------------------|------------------|---------------------|---|
| Classification | Governance | Table of Contents | |
| Approval Authority | President | Purpose | 1 |
| Implementation Authority | General Counsel | Scope | 2 |
| Effective Date | March 1, 2006 | Definitions | 3 |
| Latest Revision | December 3, 2015 | Procedure | 4 |
| | | Parent Policy | 5 |
| | | Related Procedures | 6 |
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- Purpose**
- 1 This procedure outlines the process by which:
 - a) individuals may make a Protected Disclosure;
 - b) the University will respond to a Protected Disclosure; and
 - c) individuals will be protected from Reprisals for making a Protected Disclosure.
- Scope**
- 2 This procedure applies to Protected Disclosures except Protected Disclosures involving allegations of breaches of the Research Integrity Policy, which will be dealt with under the Procedure for Investigating a Breach of Research Integrity. However, substantiated allegations of breaches of the Research Integrity Policy that are also breaches of the Act will be included in the Chief Officer's annual report pursuant to this procedure.
- Definitions**
- 3 In this procedure:
 - 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 between the Faculty Association of the University of Calgary and the Governors of the University of Calgary in effect at the relevant time.
 - b) "Act" means the Public Interest Disclosure (Whistleblower Protection) Act (Alberta).

- c) "Appointee" means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments and visiting researchers and scholars.
- d) "Business Days" means days that the University is open for business, excluding weekends and holiday closures.
- e) "Chief Officer" means the President of the University as set out in the Act.
- f) "Commissioner" means the Public Interest Commissioner of Alberta.
- g) "Complainant" means the person making a Protected Disclosure.
- h) "ConfidenceLine" means the external service provider established for receiving complaints under the Act.
- i) "Contractor" means an individual or a corporation or other entity who agrees to furnish materials to or perform services for the University for consideration.
- j) "Employee" means an individual, other than an Academic Staff Member or Appointee, who is engaged to work for the University under an employment contract.
- k) "Interference" means any direct or indirect action or use of authority to obstruct an individual's right to make a Protected Disclosure.
- l) "Investigation Report" means the written report summarizing the investigation and the Investigators findings including:
 - i. findings of fact;
 - ii. assessment of all of the evidence; and
 - iii. an analysis and conclusion as to whether or not the complaint was substantiated.
- m) "Investigator" means the person or persons appointed by the Protected Disclosure Advisor to investigate a Protected Disclosure.
- n) "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 Academic Staff Member.
- o) "Protected Disclosure" means any disclosure:
 - i. made pursuant to the Act;
 - ii. involving an allegation of a breach of the Code of Conduct; or
 - iii. involving an allegation of a breach of any other University policy where a Respondent is an Academic Staff Member, Appointee, Contractor, Volunteer or Postdoctoral Scholar.

- p) “Protected Disclosure Advisor” is the University’s designated officer pursuant to the Act who is responsible for:
- i. receiving, screening, and preliminary analysis of Protected Disclosures;
 - ii. managing Protected Disclosures;
 - iii. selecting and mandating the Investigator; and
 - iv. reviewing the Investigation Report and making recommendations to the Chief Officer.
- q) “Reprisal” means Retaliatory Measures that are taken against an individual because the individual has sought advice about making a Protected Disclosure, made a Protected Disclosure in good faith, co-operated in an investigation of a Protected Disclosure, or declined to participate in behaviour that would breach University policy.
- r) “Respondent” means the Employee, Academic Staff Member, Appointee, Postdoctoral Scholar, Student, Contractor or Volunteer who is alleged to have breached the Act, the Code of Conduct or where applicable, other University policy.
- s) 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 act that adversely affects the employment, working conditions, or education of the individual; and
 - iii. a threat to do any of the above.
- t) “Student” means an individual registered in a University course or program of study.
- u) “University” means the University of Calgary.
- v) “Volunteer” means an individual who, on a voluntary basis, provides a service or materials to the University.
- w) “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:
 - i. 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
 - ii. 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.

Procedure

4 Making a Protected Disclosure

4.1 An individual may make a Protected Disclosure to any of the following:

- a) a manager, supervisor, or dean;
- b) the [Protected Disclosure Advisor](#)
Telephone: 403-220-4086
Email: disclose@ucalgary.ca
- c) the President of the University; or
- d) the external service provider established for this purpose:
ConfidenceLine (1-800-661-9675).

4.2 The Protected Disclosure should include the following information:

- a) the nature of the activity giving rise to the complaint;
- b) a description of all parties involved;
- c) any potential financial interests and rewards;
- d) possible violations of law or University policy; and
- e) any other information useful in evaluating the Protected Disclosure.

4.3 The Protected Disclosure may be submitted anonymously but the Complainant should be aware that this may limit the ability of the University to respond and investigate.

Receipt of a Protected Disclosure by a Manager, Supervisor, Dean or the President.

4.4 An individual, other than the Protected Disclosure Advisor, who receives a Protected Disclosure will respond in writing within five (5) Business Days after receipt to acknowledge receipt of the Protected Disclosure.

4.5 The individual receiving the Protected Disclosure will record the details of the Protected Disclosure in writing, including:

- a) the date and time the disclosure was received;
- b) the name of the Complainant (unless the Complainant has requested anonymity);
- c) the name(s) of the Respondent; and
- d) full details of the disclosure.

4.6 The individual receiving the Protected Disclosure will promptly refer the Protected Disclosure to the Protected Disclosure Advisor.

Receipt of a Protected Disclosure by the External Service Provider

4.7 A call assistant will answer a call to *ConfidenceLine*. A call assistant will listen to and record details of the Protected Disclosure. The call assistant may also ask the Complainant questions to clarify facts.

- 4.8 The Complainant may provide their name to the call assistant or choose to remain anonymous. In either case, the call assistant will provide the Complainant with a personal Caller Information Number (CIN) which will be the only identification required for subsequent calls by the Complainant to the *ConfidenceLine*.
- 4.9 The call assistant will create a report containing pertinent information about the Protected Disclosure. This information will be made available electronically to the Protected Disclosure Advisor.
- 4.10 The call assistant will provide the Complainant with information on whether the Protected Disclosure is being investigated if the Complainant calls back.

Receipt of a Protected Disclosure by the Protected Disclosure Advisor

- 4.11 If the Protected Disclosure has not yet been acknowledged, the Protected Disclosure Advisor will acknowledge receipt of the Protected Disclosure within five (5) Business Days after it is received by the Protected Disclosure Advisor.
- 4.12 The Protected Disclosure Advisor will review the following with the Complainant if the Complainant is not anonymous:
- a) this procedure;
 - b) potential alternative procedures for dealing with the matter;
 - c) confidentiality protections;
 - d) the record keeping process; and
 - e) the commitment of the University to protect the Complainant from Reprisal.
- 4.13 Within ten (10) Business Days of receipt of the Protected Disclosure by the Protected Disclosure Advisor, the Protected Disclosure Advisor will decide if:
- a) the disclosure should be dealt with as a Protected Disclosure of Wrongdoing;
 - b) the disclosure should be referred to an alternate process;
 - c) the disclosure should be dismissed for being frivolous or vexatious or made in bad faith; or
 - d) the disclosure should be dismissed for another valid reason.
- 4.14 Within the ten (10) Business Days of receipt of the Protected Disclosure by the Protected Disclosure Advisor, the Protected Disclosure Advisor will inform the *ConfidenceLine* or the Complainant, if the Complainant is not anonymous, of the decision and what the next steps are, if any.
- 4.15 The Protected Disclosure Advisor will refer the Protected Disclosure to the Commissioner as soon as reasonably practicable if the Protected Disclosure Advisor reasonably believes that the matter to which the Protected Disclosure relates constitutes an imminent risk of substantial

or specific danger to the life, health or safety of individuals, or to the environment.

Protecting the Complainant

4.16 The Protected Disclosure Advisor may appoint an advocate for the Complainant to assist in managing the Complainant's welfare. The advocate will:

- a) examine the immediate welfare and protection needs of the Complainant;
- b) ensure the Complainant is aware of employee assistance programs or other supports;
- c) listen to any concerns of harassment or intimidation, or Reprisal for making a Protected Disclosure; and
- d) act as liaison and guide pertaining to the process.

Investigating a Protected Disclosure

4.17 The Protected Disclosure Advisor will appoint an Investigator to carry out the investigation. The Investigator may be an individual internal or external to the University or a committee. When the Protected Disclosure Advisor appoints a committee, the Protected Disclosure Advisor will appoint one member of the committee as chair.

4.18 The objectives of the investigation will be:

- a) to collect information relating to the allegation. This may involve steps to protect or preserve documents, materials and equipment and to interview witnesses;
- b) to consider the information collected and to draw conclusions objectively and impartially;
- c) to maintain procedural fairness in the treatment of the Complainant, Respondent and witnesses; and
- d) if applicable, to make recommendations arising from the conclusions drawn concerning non-disciplinary remedial or other appropriate action.

4.19 The Protected Disclosure Advisor will draw up terms of reference for the investigation of a Protected Disclosure and obtain authorization for those terms from General Counsel prior to appointing the Investigator.

4.20 The terms of reference will set a date, no later than 110 Business Days after the receipt of the Protected Disclosure, by which the Investigation Report is to be concluded and will describe the resources available to the Investigator to complete the investigation within the time allotted.

4.21 Pursuant to the Act, the Chief Officer may approve an extension of time to complete an investigation up to thirty (30) Business Days when requested by the Investigator. Any further extension of time must be approved in advance by the Commissioner.

- 4.22 The terms of reference will require the Investigator to update the Protected Disclosure Advisor on the progress of the investigation who, in turn, will keep General Counsel informed of the progress.
- 4.23 The Investigator will prepare an investigation plan for approval by the Protected Disclosure Advisor. The plan will list the issues to be substantiated and describe the avenue of inquiry. The plan will ask the following questions:
- a) What is being alleged?
 - b) What are the possible findings or offenses?
 - c) What are the facts in issue?
 - d) How is the inquiry to be conducted?
 - e) What resources are required?
- 4.24 If the Complainant can be contacted, the Complainant will, at this point in the process, be:
- a) notified by the Investigator that they have been appointed to conduct the investigation;
 - b) asked to clarify any matters; and
 - c) asked to provide any additional material the Complainant might have.
- 4.25 The Investigator will follow the principles of natural justice. The principles of natural justice concern procedural fairness and ensure a fair decision is reached by an objective decision-maker. Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process.

The University will show consideration for the following precepts in ensuring procedural fairness:

- a) the Respondent is entitled to know the allegations made against them and must be given the right to respond. This does not mean the Respondent must be advised of the allegation as soon as the disclosure is received or the Investigation has commenced; and
- b) if the Investigator is contemplating making a report adverse to the interests of any person, that person should be given the opportunity to put forward further material that may influence the outcome of the report and that person's defense should be set out in the report.

Conducting the Investigation

- 4.26 Everyone involved in the investigation of a Protected Disclosure will keep all information relating to the Protected Disclosure confidential except for information required to be shared under this policy or information shared with those who have a legitimate need for the information.
- 4.27 The Investigator will make notes of all discussions, phone calls, and interviews with witnesses.

4.28 If the Complainant or Respondent are represented by a union or faculty association, they will be advised of their right to representation and may request to have a union or faculty association representative present during any investigation meetings or interviews.

4.29 The Protected Disclosure Advisor will advise the Complainant of the progress of the Investigation and whether the complaint was substantiated or not.

Final Report of the Investigator

4.30 When the Investigation is complete, the Investigator will submit a written investigation report to the Protected Disclosure Advisor. The report will include:

- a) the allegation;
- b) an account of all relevant information received and, if the Investigator has rejected evidence as being unreliable, the reasons for this conclusion;
- c) the conclusions reached and the basis for them; and
- d) if the Investigator has found evidence of wrongdoing, recommendations for non-disciplinary action that should be taken to prevent the conduct from continuing or occurring in the future as well as action that should be taken to remedy any harm or loss arising from the misconduct.

4.31 If the investigation has identified any other possible violations of the Act or University policy, the Investigator should include the possible violations in the report. The possible violations identified in the report will be dealt with by the Protected Disclosure Advisor in accordance with this procedure.

4.32 The report will be accompanied by all records created or received by the Investigator in the course of the investigation.

4.33 The report will not include information that leads or could lead to the identification of the Complainant if the Complainant has requested anonymity.

Outcome of the Investigation

4.34 If the Protected Disclosure Advisor is satisfied that the report brings the Investigation to an end, the Protected Disclosure Advisor will provide a report to General Counsel including:

- a) whether the Protected Disclosure was substantiated; and
- b) recommendations for non-disciplinary corrective action.

4.35 If the Protected Disclosure included a violation of the Act, the Protected Disclosure Advisor will provide the report referred to in 4.34 to the Chief Officer.

4.36 If the complaint is substantiated, the Protected Disclosure Advisor will provide the relevant dean or manager with the report or a summary of the report's findings and recommendations.

4.37 A Respondent who is found to have committed a breach of the Act or of University policy 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.

Records

4.38 Records pertaining to a Protected Disclosure are the property of the University and will be retained in accordance with University document retention rules. Records will also be safeguarded to ensure confidentiality and, when applicable, the Complainant's anonymity.

4.39 The Protected Disclosure Advisor will provide the Chief Officer and the Chair of the Board of Governors with an annual statistical summary of all Protected Disclosures received under this procedure including those handled informally or referred to an alternate process.

Chief Officer's Annual Report

4.40 The Chief Officer will prepare a report annually on all Protected Disclosures received which involve a violation of the Act. This report will include:

- a) the number of disclosures received by the Protected Disclosure Advisor that involve a violation of the Act, the number of disclosures that were acted on and the number of disclosures not acted on by the Protected Disclosure Advisor;
- b) the number of investigations commenced by the Protected Disclosure Advisor as a result of Protected Disclosures involving violations of the Act; and
- c) in the case of an investigation that results in a finding of a violation of the Act, a description of the violation and any recommendations made or corrective measures taken in relation to the violation or the reasons why no corrective action was taken.

4.41 The annual report of the Chief Officer will be included in the annual report of the University and will be made publically available upon request.

| | | |
|---------------------|---|---|
| Parent Policy | 5 | Code of Conduct |
| Related Policies | 6 | Harassment Policy Fraud Policy |
| Related Information | 7 | ODEPD website |
| References | 8 | Public Interest Disclosure (Whistleblower Protection) Act |

[Public Interest Disclosure \(Whistleblower Protection\) Regulation](#)

History

9 *Editorial Change:* May 15, 2018 (definition of "Student")

Approved: February 10, 2005

Effective: March 1, 2006

Revised: December 3, 2015

GENERAL FACULTIES COUNCIL EXECUTIVE COMMITTEE
Report to General Faculties Council
for the meetings held September 5 and 25, 2018

This report is submitted on behalf of the General Faculties Council (GFC) Executive Committee (EC).

September 5, 2018

Appointment-Work

Nominations for the Election by GFC of an Academic Staff Member as the Member of the Board of Governors Nominated by GFC

The EC nominated, in rank order, academic staff members of GFC to be approached by the University Secretariat to stand for election as the member of the Board of Governors nominated by GFC. The first two nominees to agree to stand for election will be presented on a ballot at the October 11, 2018 GFC meeting. The person elected would serve for a three-year term from the date that the appointment is confirmed by the Ministry.

Nominations for the Election by GFC of Two Academic Staff Members to the Advisory Search Committee for a Dean of the Werklund School of Education

The EC nominated, in rank order, academic staff members to be approached by the University Secretariat to stand for election to the Advisory Search Committee (ASC) for a Dean of the Werklund School of Education. The first four or five nominees to agree to stand for election will be presented on a ballot at the October 11, 2018 GFC meeting. Two persons will be elected to serve. It is expected that the ASC will begin meeting in October and will make its recommendation by Spring 2019.

Appointment of One Member of GFC to the Senate

The EC named, in rank order, members of GFC to be approached by the University Secretariat to serve as a GFC representative on the Senate. The term will be until June 30, 2021 or until their term as a member of the GFC ends if that is sooner.

Following the meeting, Sarah Eaton, Werklund School of Education, agreed to serve and is deemed appointed by the EC.

Institutional Enterprise Risk Management Program – Institutional Student Risk Review

The EC received a report prepared under the Institutional Enterprise Risk Management Program, providing information on one of the institution's ten risks, the Student Risk.

The EC learned that the Student Risk, which has rigorous mitigations, has the lowest relative risk score of the institutions' ten risks. The EC was informed that recent initiatives aimed at mitigating the Student Risk include: revising the student appeals and discipline processes within a centralized model to be overseen by a Student Academic Appeals Officer, developing new metrics to evaluate teaching quality, and improving the efficiency of the admission process.

Discussion included:

- That the University is leading edge with respect to the process of institutional risk identification and mitigation, and the management of risks through a framework involving multiple stakeholder groups of the University. Other institutions tend to conduct issue management at the presidential and provostial levels.
- That the student-instructor relationship, and in particular the supervision of graduate students, is an important factor in student success, and that consideration of this should be included in the evaluation of teaching quality
- That the report indicates that 85.1% of graduates end up in jobs related to their education, but it is not clear how the Government of Alberta Graduate Outcomes Survey defines “related”

September 25, 2018

Appointment-Work

Appointment of Appeal Review Administrators for the University Appeals Tribunal and University Appeals Committee

The EC named, in rank order, academic staff members to be approached by the University Secretariat to serve as the Appeal Review Administrators for the University Appeals Tribunal (UAT) and University Appeals Committee (UAC). Three Appeal Review Administrators are needed for the UAT and five Appeal Review Administrators are needed for the UAC, and the terms will be for three years.

Following the meeting, these persons agreed to serve and are deemed appointed by the EC:

UAT Appeal Review Administrators

Robert Brennan, Engineering

Francine Smith, Medicine

Jennifer Lock, Education

UAC Appeal Review Administrators

Chip Doig, Medicine

Joelle Welling, Arts

Sarah Eaton, Education

Janet Rankin, Nursing

Marc Boutin, Environmental Design

Recommendation of the General Faculties Council Executive Committee 2018-2019 Work Plan

The EC reviewed the Committee’s 2018-2019 Work Plan, and voted to recommend that the GFC approve it.

Recommendation of the GFC Bylaws

The EC reviewed the current draft of the GFC Bylaws section by section, and offered some suggestions for minor wording changes to improve clarity.

During discussion, it was decided that the *Guidelines for Issues Brought to GFC for Action* (the Guidelines) should not be quoted in its entirety in section 7.5 of the GFC Bylaws, GFC Meeting Agendas, but rather only the opening paragraph of the Guidelines, and that the Guidelines should be brought to the EC at an upcoming meeting so that the document can be forwarded to the GFC for review and refresh.

The EC voted to recommend that the GFC approve the new GFC Bylaws.

Revisions to the Enterprise Risk Management Policy

The EC was given opportunity to provide feedback on the revisions to the Enterprise Risk Management Policy, which serve to align the policy with current practices. There were no suggestions for revision.

Alcohol Policy

The EC discussed the current draft of the Alcohol Policy, and received clarification on how the policy applies to persons operating University, rental, and personal vehicles for University business, whether a course instructor must serve as a designated driver, and what constitutes an off-campus “University event”. The EC questioned why the section of the policy relating to impairment at work does not apply to students, and was assured that the impairment of students in a clinical setting, laboratory setting, or on a work placement is addressed in other regulations. The EC suggested that section 4.1.c, the policy statement that the University encourages “a *balance in favour* of alcohol-free spaces, events and programs” [emphasis added], be slightly reworded but still signal that the University encourages alcohol-free spaces, events and programs.

The EC learned that an FAQ website will be prepared once the policy is approved, and will provide examples to assist in the understanding of the policy.

Revisions to the Code of Conduct

The EC was advised that the current version of the Code of Conduct was provided to the province’s Ethics Commissioner, but that feedback has not yet been received and it is possible that the she may direct some revisions.

The EC discussed the meaning of “related person” in relation to conflict of interest, and the definition of “gift”, and the need for clarity about these. The EC learned that gift-cards are considered equivalent to cash, and cannot be accepted as a gift by a University employee, academic staff member, or appointee, and that individuals will be responsible for determining the monetary value of any gift they receive (e.g. an airline ticket) and keeping a record of all gifts accepted in case they are audited.

Review of the Draft October 11, 2018 GFC Agenda

The EC reviewed the draft October 11, 2018 GFC Agenda.

ACADEMIC PLANNING AND PRIORITIES COMMITTEE
Report to General Faculties Council
for the meeting held September 10, 2018

This report is submitted on behalf of the Academic Planning and Priorities Committee (APPC).

Recommendation of the Academic Planning and Priorities Committee Work Plan

The APPC reviewed its 2018-2019 Work Plan and recommended approval by the General Faculties Council (GFC).

Creation of a Master of Engineering in Environmental Engineering

The Graduate Academic Program Subcommittee (GAPS) brought forward a proposal to create a Master of Engineering (MEng) with a Specialization in Environmental Engineering.

The APPC learned that the Specialization is being created in order to respond to student demand, establish a higher profile for this particular discipline of Engineering within the Schulich School of Engineering, to utilize faculty expertise and to better recognize on their parchments the work being completed by students.

The APPC discussed the anticipated enrolment numbers, the cohort model, the importance of having funding options for students, and the completion timeline for the program. The APPC also discussed with the proponent whether there are any intentions by the SSE to create an undergraduate program with a focus in Environmental Engineering.

The APPC suggested some amendments to strengthen the proposal and approved the creation of the MEng with a Specialization in Environmental Engineering.

Standard for Media Recording of Students in Learning Environments

The Vice-Provost (Teaching and Learning) brought forward a draft of the Operating Standards for Media Recording of Students in Learning Environments for feedback.

The APPC learned that a need has emerged on campus to develop a Standard for Media Recording of Students to protect the privacy of students and encompass best practices. It was noted that media recording is currently happening without instructors seeking students consent.

The APPC discussed the benefits and potential impacts associated with recording in learning environments, the difference between an instructor and an individual posting information online, the integral use of media recording in professional faculties, and the need for clarity regarding whose property the recording becomes.

The APPC provided some suggestions to the Standards, including adding definitions of notice and learning environment, and rewording the scope section to add clarity. The APPC requested that once the suggested changes are made and further consultation is complete that the Standards be brought back to the Committee for further review.

Revised University Code of Conduct

The General Counsel brought forward a draft of the revised University Code of Conduct for feedback.

The APPC learned that, as a result of amendments to Alberta's Conflicts of Interest Act, the University is required to make revisions to the University's Code of Conduct to ensure compliance.

The APPC reviewed the revisions to the Code of Conduct. The APPC discussed the dollar limit placed on gifts connected with attendance at a conference or similar event, how the changes to the Conflicts of Interest Act have been interpreted by the Ethics Commissioner, and the response of other Alberta post-secondary institutions to the changes to the legislation, opportunities for groups other than the University administration to submit feedback to the government regarding the impacts of the changes on the post-secondary sector, and the University's communication plan for sharing this information.

The revised Code of Conduct will continue to be circulated to various governance committees for feedback, and once sign-off from the Ethics Commissioner has been received the Code of Conduct will be taken to the Board of Governors for approval.

ACADEMIC PLANNING AND PRIORITIES COMMITTEE

Report to General Faculties Council

for the meeting held October 1, 2018

Approval of the 2018-2019 Academic Planning and Priorities Subcommittee Work Plans

The APPC reviewed the anticipated business for its subcommittees: the Academic Program Subcommittee (APS), the GAPS, the Calendar and Curriculum Subcommittee (CCS), and the Campus Facilities and Development Subcommittee (CFDS), and approved their Work Plans for the 2018-19 academic year.

Approval of Faculty of Arts Admissions Requirements Changes

The CCS brought forward a proposal to align the admissions requirements for *Adult Student Admission*, *International High School Admission*, and *Transfer Admission* with changes approved for *High School Admission* in 2017-18 for admission to the BSc Earth Science, BA Economics, BA and BSc Geography, and BA and BSc Psychology.

The APPC reviewed and approved the changes to the admission requirements. The APPC requested that the Calendar and Curriculum Subcommittee review the notes sections of the Calendar, in particular for the BSc in Psychology, to ensure consistency across all types of admissions categories where appropriate.

Approval of the Creation of a Doctor of Design

The GAPS brought forward a proposal to create a Doctor of Design, in the Faculty of Environmental Design.

The APPC learned that the idea of professional doctorate programs in the field of design emerged in the 1990's in Australia and that the Doctor of Design program at the University will be the first of its kind in

Canada. The Doctor of Design is targeted at mid-career professionals who can undertake the program while continuing to practice because students in this program pursue applied creative design practice-based research within in the context of their on-going professional activities.

The APPC discussed how this program supports the increasing demand for work-integrated learning, how this program fits within the definition of full-time status, the entrance requirements, the limited funding awards available for students, tuition fees, and the budget, if there is any impact on the PhD in Environmental Design as a result of the creation of the Doctor of Design, supervisory capacity and the role of the supervisory committee.

The APPC approved the proposal to create the Doctor of Design and provided some suggestions to strengthen the proposal prior to its submission to the provincial government.

Quality Assurance Unit Review Report: Faculty of Environmental Design

The APPC was provided with an overview of the QA Unit review process for the Faculty of Environmental Design and it was noted that this is the second Unit Review for the Faculty of Environmental Design. The Provost and Dean both commented on the value of the unit review process and the quality of the recommendations received.

The APPC discussed the recommendations for the Faculty, including the plans for redesigning the *MEDes* and how this program currently fits with the other masters programs offered by the Faculty, and the rationale for the recommendation regarding reducing the number of PhD students and increasing the number of Doctor of Design students.

Quality Assurance Audit Report

The APPC learned that the Campus Alberta Quality Council (CACQ) requires all of Alberta's Comprehensive Academic and Research Institutions to undergo a Quality Assurance Process Audit every five years to assess whether a University's quality assurance processes are appropriate and in line with CACQ expectations. It was explained that the audit process included a site visit with the programs/units selected for review, preparation of a report by the review team containing comments and recommendations, and the University's corresponding responses. It was noted that, in general, the review was very positive and determined that the University has rigorous quality assurance processes.

The APPC commented that the audit confirmed that the University's quality assurance process is well integrated with the University's strategic plans and is appropriately resourced. The APPC discussed recommendations, in particular, the background, reasons, and the University's responses for the recommendations regarding improving feedback from students, alumni and external stakeholders; improving assessments of teaching effectiveness; and under what circumstances external accreditation reviews may supplant unit reviews.



TEACHING AND LEARNING COMMITTEE
Report to General Faculties Council
for the meeting held September 20, 2018

This report is submitted on behalf of the Teaching and Learning Committee (TLC).

Recommendation of the 2018-2019 Work Plan

The TLC reviewed the Committee's 2018-2019 work plan. It was decided to add a line to the work plan to signal that the Committee would like to receive a variety of presentations over the course of the year, such as on the implementation of the Indigenous Strategy and the Mental Health Strategy, embedded certificates, online and blended learning, and the Hunter Hub for Entrepreneurial Thinking.

The TLC voted to recommend that the General Faculties Council approve its 2018-2019 work plan.

Who are we? What do we do? What do we bring to the table? What do we take away from the table?

The TLC members introduced themselves, and each spoke about what they hope to learn or gain from attending the Committee's meetings, and the variety of skills and experiences that each brings to the table.

The TLC agreed with the Co-Chairs' suggestion that the Committee begin to wrap up each meeting with a review of the primary take-aways from the meeting, in order to assist the members in sharing information with the units they represent.

Revisions to Teaching Scholars Program

The TLC learned that the three-year pilot of the Teaching Scholars Program will end in 2019, and that funding has been secured to continue the program. The TLC discussed that the program has supported educational leadership at the University, has impacted teaching and learning across the campuses, and has contributed to recent successes in other programs including a 3M National Fellowship, Canada Foundation for Innovation grant, and a Confederation of Alberta Faculty Associations Distinguished Academic Award.

The TLC discussed the proposed changes to the Call for Nominations for the 2019-2020 cohort of the Teaching Scholars Program, including with regard to the strategic areas of focus (accessible learning, inclusivity and diversity, experiential learning, Indigenous perspectives, and online and blended learning) and how a Faculty's nominees to the Teaching Scholars program will be chosen. The TLC suggested that mental health be added as another strategic area of focus, or that an additional, open category of research be added to the program.

Updates to Teaching Awards Program

The TLC received a report on recent changes to the Teaching Awards Program, including to clarify the criteria for the awards and to set a page limit for the nomination dossiers.

Standing Reports

The TLC received reports on the current initiatives of the Taylor Institute for Teaching and Learning, Students' Union, and Graduate Students' Association.

Leslie Reid, Co-Chair, and Dawn Johnston, Academic Co-Chair

Report on Senate Meeting: Thursday, 20 Sept 2018

Prepared by Jacqueline Jenkins, GFC representative to Senate

The September 2018 Senate meeting consisted of both the orientation for new senators (and any returning senators who wished to attend) and the regular meeting. The regular meeting began at 4:00 pm.

Report on the Regular Meeting:

Following the approval of the consent agenda items, Chancellor Yedlin introduced for approval the Terms of Reference for the Senate Strategic Planning Committee, an *ad hoc* committee of the Senate Executive Committee.

- This committee is intended to lead the development of a five-year Strategic Plan for University Senate (2019-2024), including developing key strategies and priorities, as well as establishing goals and objectives needed to measure progress in meeting those strategies and priorities. The committee will consist of seven appointed Senators, and the chair of the committee will be the Chancellor; a call for nominations to the committee will circulate to all senators following the meeting.

Dr. Elizabeth Cannon offered remarks, and reported on several items, including the following:

- New student induction ceremony; alumni weekend; campus development; the upcoming 2018 community report (Sept 26); student experiences and experiential learning; community awareness and activities.

Chairs of Senate Standing Committees were introduced and offered remarks on committee responsibilities:

- Kate Wood, chair of the Senator Development Committee
- Greg Schmidt, chair of the Engagement Committee
- Diane Field, chair of the Honors Committee
- Bill Chomik, chair of the Student Scholarships and Bursaries Committee

Student representatives were introduced and the following provided short reports about start of term activities:

- Marcela Lopes, Graduate Student Association representative
- Nabila Farid, Students' Union representative

Following a short 'other business' discussion, which included information about and invitations to Graduate College events, Senate adjourned and Senators were asked to assemble for a group photo for the website.

UNIVERSITY POLICIES/PROCEDURES 2018-2019
as of 2018-10-01

| Title | Stage | Drafting Team |
|-------------------------------------|--------------|---|
| Alcohol Policy | Consultation | Deborah Book; Susan Barker; Rae Ann Aldridge; Shane Royal; Brian Sembo; Hanan Arsany; Janet G.M. Stein; |
| Code of Conduct Policy | Consultation | Karen Jackson; |
| Enterprise Risk Management Policy | Consultation | Deborah Book; Rae Ann Aldridge; Yat-Sing Cheng; |
| Graduate Student Supervision Policy | Consultation | Deborah Book; Lisa Young; |
| Student Academic Misconduct Policy | Consultation | Deborah Book; Susan Barker; Lisa Young; |