

Code of Conduct—Respectful Workplace Policy

Category:	Human Resources
Number:	HU20
Responsibility:	Director of Human Resources
Approval:	Board of Governors, October 8, 2015
Amendments:	Every 5 years or as circumstances warrant

PURPOSE

This policy outlines Algoma University's commitment to enhance and encourage a climate of responsibility and mutual respect for others. In order to foster harmonious relations within the University community, Algoma University's Code of Conduct is intended officially to identify general standards of ethical conduct in the workplace.

SCOPE

This Code of Conduct applies to all those employed by Algoma University, including but not limited to Student Employees, Staff, Faculty and Administration. This policy also applies to members of the Board of Governors and volunteers. Students are expressly excluded from the application of this Code of Conduct.

DEFINITIONS

University Mission: The mission is a beacon statement that provides strategic direction for the institution. It is also the blueprint which provides the basic conceptual framework for the entire university.

Breach: The act of breaking or failing to observe a law, agreement, policy or the Code of Conduct – Respectful Workplace Policy.

Bullying: Defined as repeated, persistent, continuous behaviour as opposed to a single negative act and is generally associated with a power imbalance between the victim and perpetrator, where the victim feels inferior. Bullying is usually seen as acts or verbal comments that could "mentally" hurt or isolate a person in the workplace.

Complaint (formal): A complaint which follows a defined, formal process of investigation and resolution.

Complainant: An individual who considers that this policy has been violated, whether or not that person lays a formal complaint.

Discrimination: Differential treatment in the workplace or in the course of services related to any prohibited grounds under the Ontario *Human Rights Code*.

FIPPA Coordinator: Is the person responsible for ensuring the University's statutory compliance with the Freedom of Information and Protection of Privacy Act (FIPPA). At Algoma, that individual is the Director of Human Resources.

Harassment: The Occupational Health and Safety Act defines workplace harassment as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Investigator: Director of Human Resources or Designate or member of Administration assigned to investigate an alleged violation of the Code of Conduct.

Progressive Discipline: Is a system of discipline where the penalties increase upon repeat occurrences. There is a system of escalating responses intended to correct the negative behavior rather than to punish the individual. The stage chosen for a particular infraction will depend on a variety of factors that include the severity of the infraction, the previous work history of the employee and how the choice will affect others in the organization.

Respondent: A person named by the complainant as having violated this policy, whether or not a formal written complaint has been filed.

Standards of Service Excellence: Service excellence is achieved by ensuring that the people, processes, and technologies employed at Algoma are aligned to help us work together to meet (if not exceed) the expectations of Algoma University students, staff, faculty, and external partners as stated on the University's Service Excellence website

POLICY

Standards of Ethical Conduct:

In accordance with its purpose, the Code of Conduct prescribes standards of ethical conduct in six categories:

1. Personal Integrity
2. Respect for Others
3. Compliance with Law and Policy
4. Diligence and Efficiency
5. Protection of the University's Assets and Records
6. Community Involvement and Public Communication

1. Personal Integrity

In support of morale, the realization of the University's mission, and the University's efficient and effective operation, individuals should conduct themselves with honesty, fairness, and propriety and in good faith at all times with a view to the best interests of the University.

Individuals involved in teaching and research must adhere to acceptable standards of academic integrity as outlined in Article 10 of the current Full Time Faculty Collective Agreement (FTCA) or Part-Time Faculty Collective Agreement (PTCA). Instructors and researchers shall not engage in any form of academic fraud, including cheating, plagiarism, falsification, fabrication, and tampering or interfering with the scholarship and research of others. Furthermore, university administrators will continue to uphold and support these individuals engaged in scholarship and research.

Individuals involved in teaching or research training should encourage commitment to academic freedom, the pursuit of independent scholarly learning, critical judgment, academic integrity and ethical sensitivity in their students.

Individuals with University responsibilities should eschew conflicts between those responsibilities and their private interests, and avoid situations where there is a reasonable basis for the perception of such conflicts. The University's **Conflict of Interest Policy** should be strictly complied-with. In particular:

- a) Individuals should refrain from making or participating in decisions affecting other persons with whom they have personal relationships or towards whom they bear a negative or positive bias or may be reasonably perceived to bear a negative or positive bias. If an Individual finds him/herself in a position of authority over such a person, it is a matter of policy that the individual must immediately report the potential conflict of interest to his or her immediate supervisor.
- b) Since the possibilities for conflict of interest are almost limitless, members of the University are expected to conduct themselves at all times with the highest ethical standards in a manner which will bear the closest scrutiny, and are responsible for seeking guidance before embarking on activities which might be questionable.
- c) The purchase of goods and services for the University must be based on competitive considerations of quality, price, service and benefit to the University, and must comply with the University's "**Purchasing of Goods and Services Policy and Procedures**".
- d) To preserve the image and integrity of the University and its community, individuals must avoid giving, soliciting, or receiving gifts, meals, entertainment, privileges, or memberships intended to influence unfairly, or that might give the appearance of unfairly influencing, a decision concerning any University business, whether primarily commercial, administrative, employment related, academic, or research oriented in nature.
- e) Reasonable hospitality is an accepted courtesy of a business relationship; so payments for meals, refreshments, travel, accommodations or entertainment by an outside source are permitted, provided they are:
 - a) expended in the course of a meeting or other occasion the purpose of which is to hold a bona fide business discussion or to foster better relations between the University and external individuals, groups, or institutions;
 - b) the expense would be paid for by the University as a business expense if not paid for by the outside source.

Individuals may not accept gifts unless they have only nominal value or are offered in accordance with social or cultural custom, for example, when an employee retires or leaves the University or visits another university. In all such cases, however, whenever the gift might influence, or might be reasonably construed as influencing, a business decision, it should be refused.

2. Respect for Others

Individuals are expected to be responsive, fair, and courteous in dealing with others.

Every Individual should strive to treat all persons equitably and with respect, including respect for their rights as outlined in the Ontario Human Rights Code. All Individuals should be encouraged as they carry out their University responsibilities and their achievements should be given due recognition.

Individuals who supervise University employees and volunteers must treat them fairly and afford them equality of opportunity, maintain open and honest communication with them, and ensure that they understand performance standards expected of them. Evaluations of employees' and volunteers' performance should be undertaken objectively and without bias in the light of these standards.

Individuals whose responsibilities require them to make a decision that may adversely affect a person's rights, liberties, interests, or legitimate expectations must ensure that their decision is formulated and applied with fairness, so that, at the very least, the person affected has the opportunity to respond to relevant allegations, assertions, and evidence before the decision is made, and the decision itself is reached only with full knowledge of the facts and without bias or conflict of interest, actual or apparent.

No one should take unfair advantage of anyone through illegal conduct, manipulation, concealment, abuse of privileged information, misrepresentation of material facts or any other unfair-dealing practice.

Within the University, different opinions and perspectives are accommodated and respected, and disagreements must proceed only by rational debate. Debate should not be cut off by online, electronic, social media, verbal or physical violence, or intimidation. Adherence to the University's **Social Media Policy** is expected. Criticism of ideas must be distinguished from personal, ad hominem attacks. Individuals should not verbally abuse, vilify or belittle other individuals either directly or indirectly. Individuals should avoid comments "which tend to lower a person in the estimation of right-thinking members of society, or to expose a person to hatred, contempt or ridicule," and which cannot be justified on the grounds of truth, privilege, or fair comment (Supreme Court of Canada).¹

Rude or insulting behaviour by an individual towards anyone is unacceptable.

All Individuals have the right to study, to work, and to live in an environment free from all forms of harassment and discrimination, including, but not limited to, any and all that are prohibited in the Ontario Human Rights Code.

Familiarity and compliance with the University's **Workplace Violence and Harassment Policy and Program** and **Human Rights Policy and Procedures** are required of all Individuals. Accordingly, in carrying out their duties, individuals should ensure that they refrain from, for example:

- a) discriminating against or harassing anyone on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, visible or not visible disability, age, marital status, family status, the receipt of public assistance, record of offenses or other grounds as may be added to the Ontario Human Rights Code; and
- b) engaging in a course of vexatious comment or conduct, which could include but is not limited to gestures, remarks, jokes, taunting, innuendo, display of offensive materials, threats, imposition of academic penalties without just cause, electronic distribution of offensive material, hazing, stalking, shunning or exclusion related to the prohibited grounds of discrimination and harassment in the Ontario Human Rights Code, that is known or ought reasonably to be known to be unwelcome to the person or persons to whom the course of comment or conduct is directed.

Individuals have a duty to take reasonable care to avoid causing harm (including physical and emotional harm) to anyone, so individuals should actively promote safe working practices and environments for everyone using University facilities.

3. Compliance with Law and Policy

All individuals are expected to comply and be familiar with all University policies, procedures, and regulations.

Individuals are obliged to identify, familiarize themselves with, and comply with the laws and regulations of Ontario and Canada and other jurisdictions in which the University conducts business, as well as with all contractual, fiduciary, and other legal obligations, that are applicable to their University duties.

¹ *Botiuk v. Toronto Free Press Publications Ltd.* (1995), 126 DLR (4th) 609 (SCC) at pp. 622-623

Individuals are expected to seek guidance from the persons to whom they are accountable in any case where there is a question about compliance with University policies and/or applicable laws.

The University must provide a safe living and working environment for individuals to the extent required by law and, beyond what is required by law, permitted by its resources. In particular, University authorities must ensure the University's compliance with Ontario's Occupational Health and Safety Act and its regulations, and all Individuals must adhere to the University's **Health and Safety Policy**.

Individuals undertaking or assisting research must ensure that they abide by all applicable laws, policies, and procedures relating to the conduct of research, including the University's **Research Ethics Policy**.

Use of the University's computer and network resources is reserved for individuals only for purposes related to their research and scholarship, the discharge of their duties, their official business with the University and other University sanctioned policies. All individuals must comply with the University's **Use of Information Technology & Services Policy**. In particular, knowingly transmitting, generating, printing, retrieving, downloading or storing communications of a discriminatory, defamatory, obscene, damaging (such as computer viruses), threatening or harassing nature, or any material that is inappropriate for the University's business (e.g. pornography), except for the sole purpose of bringing immediately such communications or material to the attention of the appropriate University authorities, is prohibited. In addition, all individuals are expected to abide by the laws of Canada, including, but not limited to those pertaining to Copyright, privacy protection and pornography.

All Individuals should ensure that their personal use of alcohol or other drugs does not affect the performance of their duties or the safety and well-being of others. When acting on behalf of the University, all individuals are expected to be professional and ensure proper representation of the University is maintained.

4. Diligence and Efficiency

Individuals with responsibilities related to any aspect of the University's mission and operations must exercise the care, diligence, and skill that a reasonably prudent person would exercise in comparable circumstances, recognizing that the reputation of the University for honesty and integrity among its stakeholders is key to its success.

Individuals with responsibilities related to any aspect of the University's mission and operations should endeavour to maintain and enhance the skills and expertise requisite for their responsibilities. To the extent that it has the resources to do so, the University should foster this endeavour.

Individuals with University responsibilities are expected to maintain high standards of performance and a focus on the standards of service excellence to students, employees or members of the academic or wider community.

Individuals should exercise decorum and professionalism in all aspects of their service to the University. In particular, individuals' attire and general appearance should conform reasonably to convention and the practicalities of their duties.

Individuals should exercise due care in undertaking their responsibilities and activities, particularly where others rely on advice or information offered.

Individuals should continually work towards goals making use of resources and opportunities available.

University resources should be used economically and waste should be avoided.

5. Protection and Appropriate Use of the University's Assets and Records

In accordance with the University's **Intellectual Property Policy** and the **Equipment Borrowing Policy**, the University's assets are to be used only for the benefit of the institution. All Individuals have a duty and responsibility to protect University assets and to ensure that they are used exclusively for valid University business and not for their personal benefit or for the personal benefit of any other party. University assets can be both tangible (such as buildings, furniture, equipment, vehicles, supplies, computer systems, tools and funds) as well as intangible (such as intellectual property, patents, work time, use of facilities and services). University assets also include those assets purchased with Research funds.

The University's officers must strive to establish and maintain adequate systems, procedures and controls to prevent and detect fraud, theft, breach of trust, conflict of interest, bias and any other form of wrongdoing in relation to any of the University's assets and records.

It is every Individual's responsibility to ensure that all information collected, produced or obtained in the course of their University duties, whether in reports, memos, or oral communication, in hard copy or electronic format, is as accurate as possible.

Records and communications often become public through legal or regulatory investigations (e.g. requests for information authorized by Ontario's Freedom of Information and Protection of Privacy Act ["FIPPA"]) or media inquiries. Accordingly, scrupulous care must be taken to ensure that derogatory remarks, legal conclusions, or inappropriate characterizations of people and companies are kept out of all University records and communications.

Individuals may collect personal information for University purposes, and use, disclose, and dispose of information in the University's custody or control, only as permitted by provincial and federal information access and privacy legislation (such as FIPPA, Ontario's Personal Health Information Protection Act ["PHIPA"], and Canada's Personal Information Protection and Electronic Documents Act ["PIPEDA"]) and related policies and regulations. For example, individuals may have access to and use personal information in the University's records (e.g. personal addresses and contact information, medical, counselling, registration, academic, financial, and employment records) only to the extent necessary to carry out their University duties and must otherwise hold this information strictly confidential. All University employees are required to sign the Confidentiality Agreement.

In addition, non-personal confidential information (e.g. research records, teaching materials, confidential advice, plans relating to the management of the University's personnel or administration that have not yet been put into operation or made public, information that has monetary or potential monetary value, or information whose disclosure could prejudice the economic interests or competitive position of the University) cannot be used or disclosed without authorization by the appropriate University authority. All questions about the collection, use, disclosure, and disposal of information should be directed to the FIPPA Coordinator.

No Individual shall sell, transfer, disclose, or in any way authorize the use of any intellectual property, including copyrighted works, patented inventions or processes, trade secrets, and trademarks, belonging to the University or to persons or entities that have shared the intellectual property with the University in confidence, without express authorization from the appropriate authority.

The University's material, financial, instructional, and computerized resources should be used only for the legitimate University purposes for which they are provided. It is acknowledged that Individuals may on occasion engage the University's telephone, internet access, photocopier, and electronic mail systems for personal use and it is expected that individuals will exercise common sense in this regard. Individuals should avoid making personal long-distance calls from their University telephones, but if necessity compels such use, individuals must reimburse the University for the resulting long-distance charges except where and to the extent that other University policies or regulations expressly permit otherwise.

Individuals authorized to use University assets and records must ensure that they keep them properly secured and protected both when they're using them and when they have finished using them.

Individuals may not remove University equipment or other property from campus except where this is necessary for a University operation or activity and where permission has been granted by the appropriate authority. Those borrowing any equipment for personal use must refer to the Equipment Borrowing Policy.

Individuals whose relationship with the University is terminated for any reason or on an extended leave must, at the time of termination, restore to the University all assets and records in their possession or control which belong to the University.

6. Community Involvement and Public Communications

Employees may undertake paid work outside the University only:

- a) On condition that the work will not adversely affect the University's interests, will not place the employees in conflicts of interest, and, in general, will not detract in any way from employees' performance of their University duties, and
- b) In accordance with the terms of pertinent University collective agreements.

Any use of University facilities outside of university business or for-profit events may occur only where prior approval has been obtained from the appropriate University authority. The University must be fully compensated for such use.

Individuals are encouraged to participate in community service and are free to engage in political, professional, interest group and charitable activity, provided that participation does not give rise to conflicts of interest or impede the performance of the individuals' University duties.

No individual should use official University letterhead or stationary for personal or non-university related purposes, particularly when such use would imply endorsement by the University, unless they have the prior approval of the President to do so. Nor should individuals make reference to their connection to the University to gain advantage in personal disputes. Individuals do have a right to express their own personal, private opinion on any subject at any time without fear of recrimination or reprisal.

The President and the Director of Marketing, Communications and Student Recruitment are the designated official spokespeople for Algoma University. No one should speak to the media, on behalf of the University, without prior approval from the Director of MCSR. Where Individuals comment publicly in connection with trade union, political or interest group activities, they should make it clear that they are speaking on behalf of the union, political party, or association which they represent and not in their capacity as members of the University.

PROCEDURES

Concern When there is a Violation of the Code

Maintaining the ethical standards of the Code of Conduct is the responsibility of every individual. The following is a protocol for responding to a breach, identified reasonably and in good faith, of the Code:

1. Anyone who has observed or learned of a breach of the Code should, as soon as possible upon the availability of all parties and, in any event, no later than seven (7) working days after observing or learning of the breach, inform in writing, and identify himself or herself to the Director of Human Resources – unless:
 - a. The Director of Human Resources is someone involved in the breach, in which case the VP of Finance and Administration should be approached; or

- b. The Code breach involves harassment or discrimination or research misconduct, in which case all reporting, investigating, and sanctioning of the breach must conform to the terms of, respectively, the **Human Rights Policy and Procedures, Research Ethics Policy, Policy on Integrity in Research & Scholarship** and/or the terms and conditions of the policy applicable to the source of research funding,
 - c. For the purposes of this Code, the “immediate supervisor” of a faculty member is the Academic Dean.
 - d. For the purposes of this Code, the supervisor of the President of the University is the Board of Governors.
- 2. Upholding the Code is a service to the University, and a person (hereinafter called the “Complainant”) making in good faith an allegation of a breach of the code (hereinafter called the “Allegation”) shall not be subject to reprisal actions when they are involved in a complaint under the Code.
- 3. Any threat, act of intimidation or retribution, or other disciplinary, punitive or coercive action made against a Complainant by an individual in response to the Complainant’s Allegation constitutes a serious breach of the Code.
- 4. The Director of Human Resources (or Designate) who has received an Allegation shall investigate the matter thoroughly, fairly, and without bias. If such investigation will place the Director of Human Resources in a conflict of interest, objectively viewed, he or she shall, within five (5) working days of receiving the Allegation, transfer the matter to another member of the Administrative team who will not be placed in a conflict of interest.
- 5. In accordance with the terms of #4 above, nothing in the Code precludes a Management Officer, Director of Human Resources or individual in a position of authority at the University from investigating a misconduct matter without an Allegation.
- 6. All evidence, including the identities of the complainant, all witnesses, and the respondent, must be kept confidential by all parties in any way associated with the Investigation of the allegation, except to the extent necessary to allow the Investigator to conduct the investigation thoroughly and fairly and the Respondent fully to defend himself or herself against the Allegation.

Investigative Procedure when there is a Potential Violation of the Code

- 1. Upon receiving an Allegation, the Investigator shall initiate an investigation into the Allegation. The investigation may include but is not limited to:
 - a. Review of all records, including email, voice mail and social media accounts, associated with the alleged breach. The Investigator shall have the right to require production of such records from anywhere and anyone in the University.
 - b. Interviewing of witnesses, including every individual identified in the Allegation as having broken the Code (hereinafter called the “Respondent”).
- 2. Upon completing the Investigation, the Investigator must determine whether or not the evidence justifies further action:
 - a. If the Investigator concludes that, on the basis of the evidence further action is necessary then, the Investigator must present the Allegation and all supporting evidence to the Respondent with a request for a formal response to the Allegation.
 - b. If the Investigator determines that the evidence does not justify further action, the matter shall be terminated and so inform in writing the Complainant, with reasons.
- 3. After receiving an Allegation, the Respondent shall submit to the Investigator a formal response either admitting the truth of the Allegation or refuting it with whatever arguments and evidence the Respondent wishes to provide.

4. Upon receiving the Respondent's response to the Allegation, the Investigator shall review the response, the Allegation, and the evidence presented both to and by the Respondent to determine whether or not the evidence on balance justifies a penalty or disciplinary action.
5. In addition to the above, there may be some situations where the complainant may wish to have the person responsible for the alleged conduct approached to confront the issues, on an informal basis. This contact with the person responsible for the alleged conduct will be focused on alleviating the situation for the complainant. Any contacts made under this policy will be documented and supervised by the Director of Human Resources.

Remedial and Disciplinary Action

Individuals, regardless of status, seniority or tenure, influence or position, found to have engaged in conduct constituting a breach of the code may be disciplined or restricted from access to services provided by the University.

- The gravity of any penalty or disciplinary action for breach of the code must match the gravity of the breach.
- Disciplinary action imposed will follow the progressive disciplinary process as outlined in the applicable Collective Agreement.
- Employees may face disciplinary action up to and including discharge from employment. If the respondent is a member of the Board of Governors, he/she may face remedial action including recommendations for removal from the position.

Recordkeeping and Confidentiality

All records of complaints – including notes from meetings, interviews, results of inquiries, and other relevant material – will be kept confidential, except where disclosure is required by a disciplinary or other remedial process or required by law or as a consequence of litigation, potential or actual.

The Director of Human Resources or Investigator will endeavor to maintain a high level of confidentiality at all times. This commitment to confidentiality shall be subject to any disclosure requirements imposed by the law.

ALGOMA UNIVERSITY CURRENT POLICIES FOR REFERENCE

Policies are listed in the order in which they appear in the Code of Conduct – Respectful Workplace Policy.

Conflict of Interest Policy

<https://my.algomau.ca/tools/documents/policies/Human%20Resources/Conflict%20of%20Interest%20Policy.pdf>

Goods and Services Policy and Procedures

<https://my.algomau.ca/tools/documents/policies/Financial/Purchasing%20of%20Goods%20and%20Services.pdf>

Interview Expense Policy

<https://my.algomau.ca/tools/documents/policies/Human%20Resources/Interview%20Expense%20Policy.pdf>

Social Media Policy

<https://my.algomau.ca/tools/documents/policies/Administration/Social%20Media%20Policy.pdf>

Human Rights Policy

<https://my.algomau.ca/tools/documents/policies/Human%20Resources/Human%20Rights%20Policy.pdf>

Procedures for the Human Rights Policy

<https://my.algomau.ca/tools/documents/policies/Human%20Resources/Human%20Rights%20Procedures.pdf>

Health and Safety Policy

<https://my.algomau.ca/tools/documents/policies/Health,%20Safety,%20and%20Security/Health%20and%20Safety%20Policy.pdf>

Research Ethics Policy

<https://my.algomau.ca/tools/documents/policies/Research/Research%20Ethics%20Policy.pdf>

Policy on Integrity in Research and Scholarship

<https://my.algomau.ca/tools/documents/policies/Research/Policy%20on%20Integrity%20in%20Research%20and%20Scholarship.pdf>

Information Technology Services Policy

<https://my.algomau.ca/tools/documents/policies/Information%20Technology/Use%20of%20Information%20Technology%20Services%20Policy.pdf>