



Employee Code of Conduct

Category: Human Resources;

Jurisdiction: Provost and Vice President, Academic; Vice President, Administration and Finance;

Approval Authority: Executive Team;

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1. Purpose and Application:

- 1.1.
Lakehead University's Code of Conduct (hereinafter called the "Code") is intended officially to identify general standards of ethical conduct for all the

- University's executive, academic, and administrative officers, and all faculty, staff, agents, contractors, and volunteers (hereinafter collectively referred to as "Individuals"), involved in the University's mission. Governors and students are expressly excluded from the application of this Code except to the extent noted for the Chair of the Board of Governors in Sections 3 and 4 below.
- Moreover, this Code has no application to the conduct of union members engaged in official union business unrelated to their duties as employees of Lakehead University. This limitation on the Code must never be construed, however, as giving licence to any Individual on University premises to infringe laws or other University policies or regulations, to jeopardize the health and safety of anyone on University premises, to damage University property, or to violate applicable collective agreements.
 - 1.2.
The Code is intended not to override or derogate from but to complement the University's regulations, policies, and procedures, as well as all University collective agreements and contracts, all laws and legal requirements, all professional codes with which Individuals must comply, and all Individual rights, including academic freedom. Where the Code conflicts with any of such formal and official rules, obligations and rights, reasonably and objectively construed, the latter shall prevail.
 - 1.3.
It is the responsibility of all University executives, academics, and administrative officers to ensure that all Individuals familiarize themselves, and understand their obligation to comply, with this Code.

2. Standards of Ethical Conduct:

In accordance with its purpose, the Code prescribes standards of ethical conduct in 6 categories: personal integrity, respect for others, compliance with law and policy, diligence and efficiency, protection of the University's assets and records, and community involvement and public communications.

- **2.1. Personal Integrity**

- 2.1.1.

- 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.

- 2.1.2.

- Individuals involved in teaching and research must adhere to acceptable standards of academic integrity. 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.

- 2.1.3.

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

- 2.1.4.

- 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,

- 2.1.4.1

- 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 that Individual must immediately report the potential conflict of interest to his or her immediate supervisor.

- 2.1.4.2
Due to the conflict of interest and potential for abuse of power, Individuals must not have sexual relations with anyone over whom they have authority.
- 2.1.4.3
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 its policies, especially the Purchasing Policy.
- 2.1.4.4
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.
- 2.1.4.5
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, if
 - i. they are reasonable in amount,
 - ii. they are 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,
 - iii. they are unsolicited, and
 - iv. 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.

- 2.1.4.6

No Individual should use official University letterhead or stationery 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.

- **2.2 Respect for Others**

- 2.2.1

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

- 2.2.2

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.

- 2.2.3

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.

- 2.2.4

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

- 2.2.5

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.

- 2.2.6

Within the University different opinions and perspectives are accommodated and respected, and disagreements must proceed only by rational debate. Individuals should not cut off rational debate by verbal or physical violence or intimidation. 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

- 2.2.7

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

- 2.2.8

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 Harassment and Discrimination Policy and Procedures are required of all Individuals. Accordingly, in carrying out their duties, Individuals should ensure that they refrain from, for example,

- 2.2.8.1
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
- 2.2.8.2
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.
- 2.2.9
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.

○ **2.3 Compliance with Law and Policy**

▪ 2.3.1

All Individuals are expected to comply with all University policies, procedures, and regulations.

▪ 2.3.2

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.

▪ 2.3.3

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.

▪ 2.3.4

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.

▪ 2.3.5

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 Guidelines and Policy for the Ethical Conduct of Research and Procedures for Investigating Misconduct

▪ 2.3.6

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 Code of Computing Practice, the Use of University Computers Policy, the Policy Regarding Devices Connected to the Lakehead University Network, and the Password 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.

- 2.3.7

All Individuals are obliged to adhere to the University's Alcohol Policy. 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.

- **Diligence and Efficiency**

- 2.4.1

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.

- 2.4.2

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.

- 2.4.3

Individuals with University responsibilities are expected to maintain high standards of performance and a focus on client service (whether clients are students, faculty, staff, or members of the academic or wider community).

- 2.4.4

Individuals should exercise decorum 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.

- 2.4.5

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

- 2.4.6

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

- **Protection of the University's Assets and Records**

- 2.5.1

In accordance with the University's Proper Use of University Property 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.

- 2.5.1.1

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.

- 2.5.2

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.

- 2.5.3

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.

- 2.5.4

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.

- 2.5.5

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 the University's Freedom of

Information and Protection of Individual Privacy Policy 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. 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 Director of Risk Management and Access to Information.

- 2.5.6

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. When issues concerning intellectual property arise, reference should be made to the University's Intellectual Property Policy.

- 2.5.7

The University's material, financial, instructional, and computerized resources should be used only for the legitimate University purposes for which they are provided.

- 2.5.7.1

It is acknowledged that Individuals may on occasion engage the University's telephone, internet access, 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.

- 2.5.8

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.

- 2.5.9

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.

- 2.5.10

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

- **2.6 Community Involvement and Public Communications**

- 2.6.1

Employees may undertake paid work outside the University only

- 2.6.1.1

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

- 2.6.1.2

in accordance with the terms of pertinent University
collective agreements.

- 2.6.2

Any use of University facilities in connection with outside work may occur only where prior approval has been obtained from the appropriate University authority. The University must be fully compensated for such use.

- 2.6.3

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.

- 2.6.4

Within the parameters of the University's Internal Communications Policy, and provided that they make it clear that they are not speaking on behalf of the University and do not use University letterhead unless they have the prior approval of the President to do so, and provided that they do not include in what they say legally actionable defamation, or confidential or personal information relating to others which they do not have authorization to disclose, Individuals have a right to express their own personal, private opinion on any subject at any time without fear of recrimination or reprisal.

- 2.6.5

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.

3. Upholding the Code:

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

- 3.1

Anyone who has observed or learned of a breach of the Code should, as soon as possible and, in any event, no later than ten (10) working days after observing or learning of the breach, inform in writing, and identify himself or herself to, the immediate supervisor in the area where the breach appears to have occurred – unless

- 3.1.1

- the supervisor is somehow involved in the breach, in which case the officer to whom the supervisor reports should be approached; or

- 3.1.2

- 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 Harassment and Discrimination Policy and Procedures or the Guidelines and Policy for the Ethical Conduct of Research and Procedures for Investigating Misconduct

- 3.1.3

- For the purposes of this Code, the "immediate supervisor" of a faculty member is the Dean of that member's Faculty.

- 3.2

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 any recrimination, discipline, or other penalty.

o 3.3

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.

o 3.4

The supervisor who has received an Allegation shall investigate the matter thoroughly, fairly, and without bias. If such investigation will place the supervisor in a conflict of interest, objectively viewed, he or she shall, within five (5) working days of receiving the Allegation, transfer the matter to his or her superior or some other University officer who will not be placed in a conflict of interest. The University officer who ultimately undertakes the investigation is hereinafter called the "Investigator".

o 3.5

In accordance with the terms of article 1.2 above, nothing in the Code precludes a University supervisor from investigating misconduct and taking disciplinary action without an Allegation.

o 3.6

Upon receiving an Allegation, the Investigator shall initiate an investigation into the Allegation. The investigation may include but is not limited to:

- review of all records, including email and voice mail, associated with the alleged breach. The Investigator shall have the right to require production of such records from anywhere and anyone in the University;
- interviewing of witnesses, including every Individual identified in the Allegation as having broken the Code (hereinafter called the "Respondent").

o 3.7

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.
- 3.8
Upon completing the investigation, the Investigator must determine whether or not the evidence justifies disciplinary action.
 - 3.8.1
If the Investigator concludes that, on the basis of the evidence before him or her, disciplinary action is warranted then, within fifteen (15) working days of receiving the Allegation, the Investigator must present the Allegation and all supporting evidence to the Respondent with a request for a formal response to the Allegation.
 - 3.8.2
If the Investigator determines that the evidence does not justify disciplinary action, he or she shall terminate the matter and so inform in writing the Complainant, with reasons, within fifteen (15) working days of receiving the Allegation.
 - 3.9
Within ten (10) working days of 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.
 - 3.10
Upon receiving the Respondent's response to the Allegation, the Investigator shall review the response, the Allegation, and all evidence presented both to and by the Respondent to determine whether or not the evidence on balance justifies imposing a penalty. The Investigator may, in his or her sole discretion, mediate between the Complainant and Respondent to assist this determination. In any event, within ten (10) working days of receiving the Respondent's response to the Allegation, the Investigator must:
 - 3.10.1

- if the determination is to impose a penalty, inform the Respondent in writing, with reasons, about the penalty and impose it;
 - 3.10.2
 - if the determination is that imposition of a penalty is not warranted, so inform in writing, with reasons, both the Respondent and the Complainant.
- 3.11
 - The gravity of any penalty for a breach of the Code must match the gravity of the breach.
- 3.12
 - Any Allegation found to have been made in bad faith shall itself be judged as a serious breach of the Code and the Complainant, if an Individual, shall be disciplined by his or her supervisor for breach of the Code. If the Complainant is a student, he or she shall be subject to a complaint under the University's Code of Student Behaviour and Disciplinary Procedures.

4. Appeals:

- 4.1
 - The decision of an Investigator to impose a penalty for a breach of the Code may be appealed by the Respondent within twenty (20) working days of receiving the said decision:
 - 4.1.1
 - to the Vice-President or his or her delegate with ultimate jurisdiction over the area in which the breach occurred, unless the Investigator is a University officer on the Orillia campus, in which case the appeal should be directed to the Orillia Campus Dean or his or her delegate; or
 - 4.1.2
 - if the Investigator is a Vice-President or the Orillia Campus Dean, to the President: or
 - 4.1.3
 - if the Investigator is the President, to the Chair of the Board of Governors.
 - 4.1.4

No appeal is available if the Investigator is the Chair of the Board of Governors.

○ 4.2

To be admissible a Respondent's appeal must be made in writing and must adduce, and demonstrate the validity of, one or more of the following substantive grounds for appeal:

▪ 4.2.1

evidence of substantial procedural error made by the Investigator in reaching his or her decision;

▪ 4.2.2

evidence of bias or other unfairness on the part of the Investigator in reaching his or her decision;

▪ 4.2.3

significant new information about the case that was not accessible by reasonable effort prior to the Investigator's decision;

▪ 4.2.4

an excessive penalty.

○ 4.3

The University officer receiving a Respondent's appeal (hereinafter called the "Reviewer") shall have full access to all evidence considered by the Investigator as well as the Investigator's decision and reasons for the decision.

○ 4.4

In reviewing an appeal the Reviewer shall have full discretion to uphold, overturn, or vary the Investigator's decision, except that the penalty may not be increased in gravity.

○ 4.5

Within ten (10) working days of receiving and reviewing an appeal, the Reviewer shall inform in writing both the Respondent and the Investigator of his or her decision, with reasons for the decision, concerning the appeal.

○ 4.6

Subject to applicable rights of grievance in collective agreements, the decision of the Reviewer in response to an appeal shall be final and binding on all concerned.

5. General:

- 5.1
Anyone who is obliged to comply with a time requirement in the Code may waive that requirement if, prior to the waiver whenever possible, that person can show just cause for the delay and indicate and adhere to a new deadline that is consistent with the principle that all matters under the Code must be processed as expeditiously as possible.
- 5.2
All records associated with the investigation of an Allegation and the imposition of discipline must be kept in confidential files in the Investigator's office for at least ten (10) years from the date of the last transaction associated with the Investigator's decision in the matter. All records associated with the appeal of an Investigator's decision to impose discipline must be kept in confidential files in the office of the Reviewer for at least ten (10) years from the date of the last transaction associated with the appeal.
- 5.3
All questions about the interpretation and upholding of the Code should be directed to the Director of Risk Management and Access to Information or the Director of Human Resources.

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

Review Period: 7 years;

Date for Next Review: 2019-2020;

Related Policies and Procedures: To be determined;

Policy Superseded by this Policy: None.

The University Secretariat manages the development of policies through an impartial, fair governance process, and in accordance with the Policy Governance Framework. Please contact the University Secretariat for additional information on University policies and procedures and/or if you require this information in another format:

Open: Monday through Friday from 8:30am to 4:30pm;

Location: University Centre, Thunder Bay Campus, Room UC2002;

Phone: 807-346-7929 or Email: univsec@lakeheadu.ca.