



## Proper Use of University Property

**Category:** Space and Property;

**Jurisdiction:** Vice President, Administration and Finance;

**Approval Authority:** Executive Team;

**Established on:** March 1, 2005;

**Amendments:** None.

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### Policy

Lakehead University assets are to be used for the benefit of the institution. 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.

All employees 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.

### Regulations & Guidelines

1. Theft, carelessness and waste have a direct impact on the University's financial performance. Employees must use the University's assets and services with utmost care and respect, guarding against waste, abuse, loss and theft.
2. Recent changes to occupational health and safety legislation have made supervisors liable under the Criminal Code with respect to an injury suffered by an employee at any time he/she is on the property of the employer, or in the possession of the employer's tools and equipment. To protect all parties, University assets cannot be used for

personal business, whether that business be on-campus or off-campus. More specifically, employees may not borrow, loan, or otherwise remove from campus any University tools, equipment or vehicles for personal reasons. Furthermore, employees may not utilize any University tools, equipment, supplies to perform personal work while on campus, even on an "after hours" basis. Appendix A sets this matter out in more detail.

3. Employees may not make unauthorized copies of computer software programs or load/use unauthorized software onto University-owned PC's, workstations, or other computer systems. Such unauthorized actions could cause the disruption/destruction of computer systems/databases, or cause other technical problems. In addition, the unauthorized copying or use of unauthorized software could be a violation of federal copyright laws and could result in civil and/or criminal liability. The unauthorized copying of tapes, books, articles, cd's, dvd's and other materials which are legally protected is also prohibited.
4. It is acknowledged that the University's telephone and electronic mail systems may be used on occasion for personal business and it is expected that employees will exercise common sense in this regard. Employees should avoid making personal long-distance calls from their University telephones, but if such a necessity does arise, employees must reimburse the University for any and all long-distance charges.
5. Official University stationery, postage or the internal mail service is not to be used for personal matters.

## **Interpretation & Review**

Questions on this policy should be directed to the Controller's Office in the Department of Financial Services. The Vice-President (Administration & Finance) will review this policy within three years to ascertain if any amendments are necessary.

## **Proper Use of University Assets: Appendix A**

### **MEMO**

**To: Mr. Michael Pawlowski, Vice-President (Administration & Finance)**

**From: Ms. Ursula MacDonald, Humana Resources Officer- Health and Safety**

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**Date: January 11, 2005**

**Subject: Bill C-45**

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Bill C-45 became law on March 31, 2004. The intent of this law is rather straightforward. For work related injuries or incidents, in addition to charges and fines imposed by the Ministry of Labour (under Ontario's Occupational Health and Safety Act), Bill C-45 amends the Criminal Code of Canada to permit authorities to charge the University and its employees with criminal offences as laid out in the Criminal Code of Canada for work place related activities. Bill C-45 makes it easier to convict organizations and persons for criminal negligence in the workplace. Bill C-45 applies to all sectors of industry, including education.

Bill C-45 expands and broadens the definition of persons who can be convicted, expands corporate liability and corporate exposure. The definitions of "organization", "company representative" and "senior officer" are much broader and far reaching under the Criminal Code. For instance, a "company representative" can be a director, partner, employee, member, agent or a contractor of the organization.

The Criminal Code defines criminal negligence as "doing anything or omitting to do anything that is his duty to do, shows wanton or reckless disregard for the lives or safety of other persons." With respect to the University situation, allowing persons to work on personal projects utilizing Lakehead University's tools, equipment, vehicles or space puts the University at risk insofar as such actions may be potentially construed as taking place without due regard for personal safety. This interpretation could also be extended to permitting employees to borrow tools, equipment etc., for personal use at home.

Furthermore, the University may be held liable and hence exposed to a variety of criminal charges if an employee were to become injured on campus while performing work for personal use or pleasure. The University, according to the Criminal Code has a "legal duty" to protect the lives and safety of employees, staff, faculty and students when on University property.

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Similarly, by removing or borrowing University property to be used off campus for personal reasons exposes the University to litigation. Any property belonging to the University is deemed to be the responsibility of same. This includes the University's responsibility to ensure proper maintenance and use of items in question, including proper training of the borrower. Given the risk for potential injury, University equipment, tools, vehicles etc. should not be used for personal business while at work, nor should they be removed from campus for personal use off campus.

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**Review Period:** 3 years;

**Date for Next Review:** 2023-2024;

**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](mailto:univsec@lakeheadu.ca).