



Title	Standards of Employee Conduct & Conflict of Interest
Policy No.	A.3.6
Approval Body	Board of Governors
Policy Sponsor	President
Last Revised/Replaces	February 6, 2015; Replaces VCC Code of Ethics (October 26, 2000) and B.2.12 Employment of Relatives Policy (October 8,
Effective Date	April 4, 2013

These Procedures describe the processes for reporting and addressing employee misconduct. They are organized under the following headings:

- A. Informal Resolution
- B. Formal Report
- C. Responses, Interim Measures, Mediation, Investigation and Decisions
- D. Confidentiality
- E. Protection from Reprisal

When dealing with allegations of misconduct or perceptions of misconduct, employees must use their judgment in evaluating the nature and seriousness of the issue in determining whether informal discussion or a more formal report is warranted.

Support for individuals with concerns or complaints related to employee conduct is available from an employee's manager or supervisor, Human Resources, or the Arbiter of Student Issues (collectively, "Advisors"). Bargaining union members may also wish to consult with their union representatives.

Advisors can provide employees with advice or guidance on possible ways or actions to resolve the situation; whether the behaviour(s) in question falls within the scope of this Policy; whether the behaviour amounts to misconduct within the meaning of this Policy and/or options available under alternative policies or processes.

A. INFORMAL RESOLUTION

1. Some types of misconduct (e.g. workplace disagreements) may lend themselves to an early, informal resolution between the parties involved. For other types of misconduct (e.g. theft, fraud) informal resolution may not be appropriate and it may be more appropriate to begin with a formal report.
2. In circumstances where an informal resolution attempt is reasonable, employees with concerns about inappropriate behavior or conduct are encouraged to first speak with the person involved, explain the concern and ask that the conduct stop. Sometimes this is all that is required to remedy the situation.

3. If this does not lead to a satisfactory outcome, or if the employee is not comfortable with speaking directly to the person involved, the employee should seek advice from an appropriate Advisor.
4. If the matter is not resolved after obtaining advice from an Advisor, the employee or the Advisor may continue to try to resolve the matter informally or may proceed to a formal Report.
5. An Advisor may decide to act independently of the employee raising an issue if it is in the best interests of the College to do so.

B. FORMAL REPORT

1. Formal reports alleging misconduct or conflict of interest must be made in writing, and must include: the name of the employee making the report (the Reporter); the name of the person(s) alleged to have committed or about to commit the misconduct (the Subject), particulars of the alleged misconduct, including a detailed description of the relevant facts (including dates, times and places), the names of any witnesses, and, if applicable, the resolution the Reporter is requesting.
2. The formal report must be filed with the office of the Senior Administrator.
3. The Senior Administrator will ensure that the Reporter has a copy of the Policy and these Procedures.
4. Except in exceptional circumstances, a formal report must be filed within three months of the alleged contravention. If a continuing contravention is alleged, the formal report must be filed within three months of the last alleged instance of the contravention.
5. Upon receipt of the formal report, the Senior Administrator will review the report to determine whether the Reporter's allegations fall within the scope of the Policy. The Senior Administrator may decide to interview the Reporter to assist them in making this determination. If the Senior Administrator determines that the alleged conduct does not fall within the scope of the Policy, they will:
 - a. immediately advise the Reporter in writing of the determination; and
 - b. refer the Reporter, as appropriate, to other College policies that may address the matter, or to other services within or outside the College that may be able to provide assistance.
6. If the Senior Administrator determines that the alleged conduct does fall within the scope of the Policy, they will ensure the matter is reviewed promptly and properly in accordance with this Policy and Procedures.
7. The Reporter may apply to the Senior Administrator to withdraw all or part of a formal report at any stage of the process.
8. The College may be legally obliged to initiate and/or proceed to take action independent of an employee making a formal report. In such cases, the Senior Administrator will decide whether or not to proceed under this Policy or under other applicable College policies and procedures.

C. RESPONSES, INTERIM MEASURES, MEDIATION, INVESTIGATION, AND DECISIONS

1. The Senior Administrator will consider the nature and seriousness of the reported

misconduct and will determine the appropriate course of investigation and action in consultation with the applicable manager/member(s) of the Leadership Team and in compliance with the principals expressed in this Policy.

2. Where the Senior Administrator considers it appropriate to so, they may put into place interim measures pending the disposition of the matter.
3. The Senior Administrator may seek to resolve the matter informally in appropriate circumstances and in consultation with the relevant members of the management team.
4. The Senior Administrator may appoint a mediator to assist in the informal resolution of the matter, subject to and in compliance with any applicable policies, process(es) or the collective agreement requirements of unionized employees.
5. In the event the Senior Administrator determines that it is appropriate to appoint a mediator or investigator (internal or external), the Senior Administrator will provide the mediator/investigator with terms of reference, copies of relevant documents and a timeline for completing the mediation/investigation.
6. Decisions about employee misconduct will be based on all of the relevant facts and information. Such decisions will be made in consultation with the relevant members of the management team, in accordance with sound human resources practices and any applicable collective agreement provisions.
7. Employees found to have contravened the standards of conduct or conflict of interest provisions of this Policy may be subject to disciplinary action, up to and including termination of employment.

D. CONFIDENTIALITY

1. The College will make every effort to protect the confidentiality of persons making reports of misconduct, any witnesses, and employees who are the subject of such reports, subject to exceptions authorized or required by law. While every effort will be made to respect the confidentiality of employees no guarantee of confidentiality can be made given the need to conduct an adequate investigation.
2. All employees are required to refrain from communicating any information received during the course of an investigation and to maintain the confidentiality of the process. Any person breaching confidentiality may be subject to disciplinary action, up to and including expulsion or dismissal from the College.
3. Detailed results of an investigation will not be disclosed or discussed with anyone other than those who have a legitimate need to know.
4. There may be positions (e.g. registered nurse, counsellor, physician) whose professional codes of conduct impose a high degree of confidentiality pertaining to disclosures of wrongdoing made to them in their professional capacities. Such codes or professional standards are subject to common law and statutory exceptions, which may include, but are not limited to the mandatory reporting of child abuse, reporting of risk of serious harm to oneself or others, and when disclosure is required or authorized by law. Employees working in these capacities who learn of misconduct must, without delay, consult with their supervisor and/or professional association to determine their responsibility to ensure compliance with this Policy, to the extent permissible.

E. PROTECTION FROM REPRISAL OR RETALIATION

1. Employees acting in good faith are protected from retaliation or reprisals for making a report in accordance with this Policy and Procedures.
2. Any acts of retaliation or reprisal against a College member will be dealt with appropriately in accordance with the terms of the applicable College policies, collective agreement and/or VCC's Human Resource practices.
3. If an investigation concludes that a College member has made a bad faith report of misconduct, they will be dealt with in accordance with College policies, VCC's Human Resource practices and/or the terms of the applicable collective agreement.

RELATED POLICY

Refer to A.3.6 Standards of Employee Conduct & Conflict of Interest Policy.

OTHER

For Senior Management post-employment restrictions refer to: Offer of Employment Letter Schedule A.