

# THOMPSON RIVERS UNIVERSITY

## SUMMARY OF STANDARDS OF CONDUCT AND GUIDELINES

### University Expectations of all Employees

#### Conflict of Interest Policy

[http://www.tru.ca/\\_shared/assets/ConflictofInterest5581.pdf](http://www.tru.ca/_shared/assets/ConflictofInterest5581.pdf)

Since the possibilities for conflict of interest are almost limitless and cannot all be covered, the following regulations identify some illustrations of potential conflict of interest situations that faculty and staff of TRU may encounter. Faculty and staff are expected to conduct themselves at all times with the highest of ethical standards, in a manner which will bear the closest scrutiny.

**Senior Administrative and Academic Leaders will:** (excerpt from standard contract of appointment)

1. During the Appointment you will:
  - a. using your best efforts, skills and ability, faithfully devote your time and attention to the business of TRU;
  - b. faithfully, honestly and diligently perform the duties and exercise the responsibilities that are required of you hereunder;
  - c. deal in good faith with TRU, including TRU's Board of Governors (the "Board"), management, administration, employees, students and suppliers;
  - d. act in the best interests of TRU and in accordance with your obligations hereunder;
  - e. deal in good faith with the federal and provincial governments when acting on behalf of TRU; and
  - f. comply with all laws that relate to your employment or to the business of TRU.

**Collective Agreement between the University and the Thompson Rivers University Faculty Association:**

[https://www.tru.ca/\\_shared/assets/trufa\\_agr24792.pdf](https://www.tru.ca/_shared/assets/trufa_agr24792.pdf)

**Article 9. Protection of Employees**

Thompson Rivers University and the Faculty Association agree that just and reasonable conduct among and between its members is a mutually desired goal. If an employee or administrator has been subjected to discriminatory or malicious actions, this matter can be dealt with through the process of progressive discipline by Thompson Rivers University, or the grievance procedure by the Faculty Association.

The University and the Association recognize the right of employees to work in, and students to study in, an environment free from discrimination or coercion.

**Collective Agreement between the University and CUPE Local 4879**

[https://www.tru.ca/\\_shared/assets/cupe9002007060710811.pdf](https://www.tru.ca/_shared/assets/cupe9002007060710811.pdf)

**Article 3. No Discrimination or Harassment**

The Employer, its servants and agents agree that there shall be no discrimination, interference, restriction or coercion exercised or practiced with respect to any employee in the matter of hiring, wage rates, training, upgrading, promotion, transfer, layoff, recall, discipline, discharge or otherwise by reason of age, race, creed, colour, national origin, sexual orientation, political or religious affiliation, sex, marital or parental status, place of residence, disability provided there is a reasonable expectation to be capable of performing the duties of the position nor by reason of his/her membership or activity in a labour union and the employees shall at all times and in like manner act in good faith toward the Employer.

**Collective Agreement between the University and the Thompson Rivers University Open Learning Faculty**

[https://www.tru.ca/\\_shared/assets/TRUOLFA\\_collective\\_agreement28883.pdf](https://www.tru.ca/_shared/assets/TRUOLFA_collective_agreement28883.pdf)

**Article 12. Harassment**

The Union and the University are committed to providing a working and learning environment that allows for full and free participation of all members of the institutional community.

Harassment undermines these objectives and violates the fundamental rights, personal dignity and integrity of individuals or groups of individuals. Harassment is a serious offence that may be cause for disciplinary sanctions including, where appropriate, dismissal or expulsion.

The University has a responsibility under BC's Human Rights Code to prevent harassment and to provide procedures to handle complaints, to resolve problems and to remedy situations

where harassment occurs.

## **Respectful Workplace and Harassment Prevention Policy**

[http://www.tru.ca/\\_shared/assets/brd17-016383.pdf](http://www.tru.ca/_shared/assets/brd17-016383.pdf)

Thompson Rivers University promotes teaching, scholarship and research, and the free and critical discussion of ideas. The University is committed to providing a working and learning environment that allows for the full and free participation of all members of the University community. Discrimination undermines these objectives, violates the fundamental rights, personal dignity and integrity of individuals or groups of individuals and may require remedial action by the University

### **Conflict of Interest principles**

Since the possibilities for conflict of interest are almost limitless and cannot all be covered, the following regulations identify some illustrations of potential conflict of interest situations that faculty and staff of TRU may encounter. Faculty and staff are expected to conduct themselves at all times with the highest of ethical standards, in a manner which will bear the closest scrutiny. Accordingly, this policy applies to all graduate students, postdoctoral fellows, faculty (including part-time, adjunct or visiting faculty), and all employees, contractors and students of TRU who teach, conduct research or work for TRU.

### **Student and Faculty/Staff Relationships**

TRU faculty and staff should avoid conflicts of interest which may impede or compromise their responsibility to instruct, supervise or evaluate students in a fair and effective manner. The power imbalance which exists between faculty, or staff, and student is not to be used for personal benefit. Students include anyone enrolled, or applying for admission, in a course or program offered by TRU.

Where there is uncertainty about the existence of a conflict of interest, or about how to avoid one, it is the responsibility of the individual faculty or staff to seek consultation with the administrative head of the unit. It is incumbent upon faculty and staff to avoid situations in which a conflict of interest may arise and to deal promptly with any conflict of interest that does arise.

Where a conflict of interest may arise, one or more of the following methods should be used to avoid or resolve such conflict.

- a. Faculty and staff members should normally decline or terminate a supervisory, teaching, evaluative, or decision-making role in which a conflict of interest arises, unless the administrative head of the unit is of the view that this will create undue hardship to the student;
- b. In situations where the conflict of interest involves teaching, supervision, or evaluation,

and where alternative courses or supervision exist that are reasonable and appropriate to the student's program, the student should utilize those alternatives.

- c. Where no reasonable and appropriate alternative exists, the administrative head of the unit shall ensure that a fair and unbiased mechanism of evaluation is put in place. This will normally require that another suitably qualified evaluator review all the material submitted for evaluation, review the grades assigned, and report whether those grades are reasonable.
- d. Where third parties are concerned about a perceived conflict of interest, the faculty or staff member and the administrative head should consider informing the third party that the conflict has been dealt with pursuant to regulations. Such a step is for the protection of the student, the faculty or staff member, and TRU.

#### **Conflict of Interest Disclosure**

Faculty members shall disclose in writing the extent, nature, and timing of all outside professional activities to the administrative head of their unit annually so that the individual's obligations and the extent of those obligations to outside organizations are known by TRU. Prior written approval of TRU (granted by the administrative head of the unit) is required in the following cases:

- a. When TRU services and facilities will be used for outside professional activities, except when such uses are already provided for in existing regulations of TRU, faculty or department (such as approved secretarial assistance for a faculty member editing a journal); this approval may be given provided appropriate arrangements for such uses and for their payment (including reimbursement at fair rates for labour, materials, equipment and space) are made;
- b. When rescheduling of activities (e.g., classes or office hours) will result;
- c. When the total outside professional activity for a faculty member in any one year becomes substantial, that is, more than an accumulated 26 days per year, exclusive of vacation period. (Subject to approval by the President, departments or faculties may formulate their own definition of "substantial" and formulate more detailed procedures on outside professional activities, consistent with these TRU-wide procedures, concerning the distinction between paid and unpaid professional activity, participation in continuing education courses, the procedures for reporting outside professional activities, and other matters;

Prior written approval of TRU (granted by the administrative head of the unit) is required whenever a staff member wishes to engage in outside professional activities during normal

hours of work.

Activities of a non-professional nature (such as running a business, or performing voluntary or community work), which do not enhance the competence and effectiveness of faculty and staff members in their work at TRU, will neither interfere in any way with their commitment to full-time employment at TRU nor use any resources of TRU.

There are many benefits to be gained by both the individual and TRU from a faculty or staff member's active involvement in community service activities. Such activity enhances the community's awareness of the contribution TRU makes to our society, while providing opportunities for many and varied linkages of members with business and philanthropic organizations and leaders. There is also the concern that duty imposed by membership on the board of another organization could conflict with a faculty or staff member's duty to TRU. Unless appointed as a representative of TRU, and recognized and recorded as such by TRU, a faculty or staff member serving on the board of an outside organization does so in his or her individual capacity.

A faculty or staff member who is approached to serve, or who is serving, as a member of a board, whether of a for-profit, charitable, or advocacy organization, and who perceives a potential conflict of interest, has the duty to consult with the department head and dean (or vice-president in the case of a non-departmentalized faculty or administrative department, or President in the case of a vice-president, or Chair of the Board of Governors in the case of the President). Such consultation will address the interests of TRU, as well as the benefit that might accrue to the individual, TRU and the outside organization from membership. Following consultation, any concerns of administrators about the board membership will be conveyed in writing to the member.

### **Outside Professional Consulting/Employment Policy**

[http://www.tru.ca/ shared/assets/Outside Professional Consulting5582.pdf](http://www.tru.ca/shared/assets/Outside_Professional_Consulting5582.pdf)

### **Future employment restrictions**

#### Post-employment Expectations

The University is an educational institution. However, it serves a subsidiary role as a business operation. Consequently, senior employees with significant decision making authority on the business side of the University who accepts a position with a private enterprise with whom the University has a significant commercial arrangement and that may benefit financially from the employee's inside knowledge, will be expected to observe a 12 month "cooling off" period before taking up such employment. Exceptions will only be considered in rare circumstances and only then following the approval in advance from the Minister responsible for PSEC.

The University also enjoys charitable status and solicits philanthropic donations from private donors. An employee who has access to donor information in order to perform their duties who is offered employment in a similar capacity with another organization is expected to keep TRU's donor information confidential and not to use that information in their subsequent employment.

## **Acceptance of gifts, entertainment, benefits and favours**

### **Conflict of Interest Policy**

<https://www.tru.ca/shared/assets/ConflictofInterest5581.pdf>

#### **Acceptance of Gifts**

In this Policy the following words have the following meanings:

“gift”: means:

- (i) goods or services; or
- (ii) the use of property or money;

that is provided by a person or company who does business, or who may potentially do business with TRU, without charge or at less than commercial value, but a gift does not include any prize won in any bona fide raffle, draw or similar event;

“services” includes payment for travel;

“significant value” means a value of \$250 or more.

The giving and receiving of gifts is common in many areas of the University’s operations, particularly when dealing with international partners. However, the acceptance of gifts for personal use from people or companies who do business or who may potentially do business with TRU could impede the objectivity of faculty and staff members and create a conflicting obligation to that person or company contrary to the obligation of faculty and staff members to TRU.

Any faculty or staff member who receives a gift of goods with a significant value shall deliver the goods to the University Secretariat and the goods shall become the property of the University. A faculty or staff member who accepts a gift of significant value while travelling outside of Canada should, upon returning to Canada, pay the applicable duty, and the University will reimburse the employee for such duty. The goods accumulated by the University under this Policy will be disposed of, from time to time, as determined by the University in its discretion.

It is incumbent on the individual faculty or staff member to initiate a discussion with the University Secretariat if feasible whenever the individual is about to be offered gifts of significant value so that the issues surrounding obligation may be completely disclosed and approval obtained before a personal benefit is received. It is recognized that there will be

circumstances in which individuals will have to decide at a moment's notice whether or not to accept a gift of significant value. In these cases, individuals are to: (i) in the case of a gift of goods of significant value, deliver the goods to the University Secretariat; and (ii) in the case of a gift other than goods report in writing to the University Secretariat at the earliest possible opportunity.

In considering requests for advance approval to accept gifts of significant value, the Secretariat will take into consideration the source, value, purpose and frequency of offering in assessing the case. Any potential detriment to TRU should be grounds for denial of the request to receive a gift. Tokens of appreciation of insignificant value may be accepted at the discretion of the individual. Faculty or staff members may not accept a gift of money.

Any faculty or staff member who receives gifts during any academic year (September 1 to August 31) with an aggregate value of over \$250 from any one source must report each gift along with its estimated value to the University Secretariat.

### **Personal Conduct**

When a faculty or staff member is in a position to influence personnel decisions (such as the recruitment, offer of employment, evaluation of performance, or termination of employment) with respect to another with whom the faculty or staff member has a relationship which might reasonably be construed as a conflict or potential conflict of interest, then the faculty or staff member has a duty to disclose the situation to the administrative head of the unit and withdraw completely from the decision making process. The administrative head of the unit has the responsibility to ensure that the selection of faculty or staff, and the evaluation of faculty or staff work performance will avoid apparent and actual conflict of interest situations.

- a. A conflict of interest may arise in situations in which there is a reasonable apprehension that a particular relationship between a faculty or staff member and a student may confer upon the student an unfair advantage or subject the student to an unfair disadvantage. Such relationships include, but are not limited to:
  - i. Close family relationships such as those between spouses or spousal equivalents, parents and children, siblings, in-laws, grandparents and grandchildren;
  - ii. Amorous relationships;
  - iii. Relationships between persons whose economic interests are closely interrelated.
- b. Engaging students to perform services of any kind for the teacher where there is an apprehension that failure to comply will result in a biased evaluation;
- c. Failure to give proper recognition to any reliance on the ideas, work or assistance of

students or failure to obtain, where appropriate, prior permission for the use of work done or results obtained by students;

d. Use of students as human subjects in experiments where there is a reasonable apprehension that to refuse will affect their academic standing;

e. Student employment by a faculty or staff member owned company, unless the following conditions are in place:

i. the student is under no obligation to engage in such work;

ii. the student's performance in such work has no bearing on academic standing;

iii. the student is reimbursed at market value for the work performed and/or receives other significant benefit, e.g., the work is relevant to the student's academic/professional training.

### **Use of corporate property, including retention of records, patents and discoveries (intellectual property rights)**

#### **Records Retention/Destruction Policy**

[https://www.tru.ca/ shared/assets/Records Retention5614.pdf](https://www.tru.ca/shared/assets/Records%20Retention5614.pdf)

Thompson Rivers University (TRU) has a lawful duty to keep and maintain records and books of account pursuant to the *Income Tax Act*, *Employment Insurance Act*, *Canada Pension Plan*, *Thompson Rivers University Act*, and *Document Disposal Act*. The records retention/destruction policy sets out the periods of time for which records must be retained before they can be destroyed.

#### **Confidential information**

[https://www.tru.ca/ shared/assets/ConflictofInterest5581.pdf](https://www.tru.ca/shared/assets/ConflictofInterest5581.pdf)

Unless the individual has proprietary rights (usually enforceable through copyright or patent), it is deemed to be unprofessional conduct to make use of knowledge gained through employment at TRU which is not generally available to the public for non-TRU purposes or investments. It is a conflict of interest, and, therefore not permitted, to use for personal gain



information not in the public domain acquired as a result of a faculty or staff member's TRU-supported activities.

### **Thompson Rivers University Faculty Agreement**

[https://www.tru.ca/ shared/assets/trufa agr24792.pdf](https://www.tru.ca/shared/assets/trufa_agr24792.pdf)

#### **9.4.2 Copyright Ownership**

The copyright or patent for any work product, including creative work, instructional strategies or curriculum/instructional material, software or any other material or technology that may be copyrighted or patented:

(a) belongs to the employee(s) where the work product has been prepared or created as part of assigned duties, other than the duties listed in Article 9.4.2(b) below, and the copyright to all copyrightable material shall be the sole property of the employee(s) and shall be retained throughout his or her lifetime and upon his/her death by his/her heirs or assigns; and

(b) belongs to the University where one or more employees:

(i) have been hired or agrees to create and produce copyrightable work product for the university, or

(ii) are given release time from usual duties to create and produce copyrightable work product, or

(iii) are paid, in addition to their regular rate of pay, for their time in an appointment to produce copyrightable work product.

#### **9.4.3 Employer Rights to Materials Copyrighted by Employee(s)**

Where the employee holds the copyright pursuant to Article 9.4.2(a), the University shall have a right to use his/her copyrighted material in perpetuity for institutional purposes. The University may amend and update the copyrighted material with the approval of the employee(s) holding the copyright to the material. Such approval will not be unreasonably withheld.

#### **9.4.4 Employee Rights to Materials Copyrighted by the Employer**

Where the University holds the copyright pursuant to Article 9.4.2(b), the employee(s) shall have the right to use in perpetuity, free of charge, such copyrighted material. The employee may amend and update the copyrighted material with the approval of the University. Such approval will not be unreasonably withheld.

9.4.5 Where either the University or employee recognizes commercial potential for work which is University copyrighted, this interest must be declared and a joint business plan developed in consultation with the employee, the relevant department Chair and and Dean. Both the University and the employee agree to share profits equally after respective costs have been reimbursed.

## **Protection of Privacy**

<http://www.tru.ca/disclaimer/privacy.html>

TRU complies with British Columbia's [Freedom of Information and Protection of Privacy Act](#).

### **Personal information**

In carrying out its operations, TRU regularly acquires personal information about individuals including students and employees. The information is collected, used, and disclosed for the purposes of enabling you to communicate with TRU, examine its website, register for and participate in courses, study, conduct research and analysis, attend social events at the campus, use TRU's facilities and computer systems and allow TRU to recruit, offer and present courses and related services to students, alumni and prospective students. Personal information is retained for the time period required by law and to fulfill the purposes for which it was collected.

### **Your Rights**

Individuals have the right of access to and a right to request correction of their own personal information.

### **Limiting Access to Information**

Personal information about you is protected and will only be used or disclosed in accordance with applicable legislation and this privacy statement.

### **Restrictions on Disclosing Information to Other Parties**

Except as described in this privacy statement, the University does not reveal personally identifiable data to parties outside TRU unless you request or authorize it, or the disclosure is otherwise permitted or required by law.

## **Purchasing Policy**

[http://www.tru.ca/ shared/assets/brd02-25637.pdf](http://www.tru.ca/shared/assets/brd02-25637.pdf)

### **TRU Procurement Strives to:**

[http://www.tru.ca/purchasing/external\\_business.html](http://www.tru.ca/purchasing/external_business.html)

1. Give first consideration to the objective and policies of the institution.
2. Obtain the maximum value for each dollar of expenditure.
3. Decline personal gifts or gratuities.
4. Grant all competitive suppliers equal consideration insofar as provincial or federal

- statues and institutional policy permit.
5. Conduct business with potential and current suppliers in an atmosphere of good faith, devoid of intentional misrepresentation.
  6. Demand honesty in sales representation, whether offered through the medium of verbal or written statement, an advertisement, or a sample of the product.
  7. Received consent of originator of proprietary ideas and designs before using them for competitive purchasing purposes.
  8. Make every reasonable effort to negotiate an equitable and mutually agreeable settlement with a supplier: and/or be willing to submit any major controversies to arbitration or other third party review, insofar as the established policies of TRU permit.
  9. Accord a prompt and courteous reception insofar as conditions permit to all who call on legitimate business missions.
  10. Cooperate with trade, industrial and professional associations, and with governmental and private agencies for the purposes of promoting and developing sound business methods.
  11. Foster fair, ethical and legal trade practices.
  12. Counsel and cooperate with PMAC members and promote a spirit of unity and a keen interest in professional growth among them

### **Commitment and Compliance**

Ensuring there is adherence to the policies and procedures that govern codes of conduct within the University is the responsibility of University Management. Contraventions to the requirements will be addressed through the provisions of the collective agreements that describe the procedures for disciplinary action.

The President and or the appropriate Vice President have overall responsibility for upholding the Codes of Conduct and are responsible to the Board for compliance.

### **Human Resource Policy**

[http://www.tru.ca/\\_shared/assets/Human\\_Resources5579.pdf](http://www.tru.ca/_shared/assets/Human_Resources5579.pdf)

### **External Relations Policy**

[http://www.tru.ca/\\_shared/assets/External\\_Relations5604.pdf](http://www.tru.ca/_shared/assets/External_Relations5604.pdf)

This section of the Policy Manual deals with the relationships which have been established between the Board and the various government and community agencies with which it

interacts. Essentially, all communications with these government and community agencies takes place under the delegated authority of the Board, for under no other circumstances can any other communication be said to “speak” for the University. At all times it must be clear that a distinction exists between the private opinion of any member of the Board or any employee of the University and the expression of the view of the “University” itself. The Board recognizes the right of any individual connected with the University to his or her own opinion and the right to express it in any legal way but reserves the right to determine who can speak for the institution.

**Exceptions**

Exceptions to any part of the conditions that govern codes of conduct at TRU will only be considered in rare circumstances and only then following the approval in advance from the President, Thompson Rivers University.