

## Why does the University of Alberta now have a Code of Conduct?

The *Conflicts of Interest Amendment Act* imposes an obligation on public agencies, including the University of Alberta, to have Codes of Conduct governing their Employees and Boards of Governors. The Code of Conduct for Employees (the “Code”) was approved by General Faculties Council on February 25, 2019, and by the Board of Governors on March 15, 2019, and will come into effect on July 1, 2019.

## To whom does the Code apply?

**THE TERM “EMPLOYEE” WILL BE USED IN THIS DOCUMENT WHEN REFERRING TO CODE REQUIREMENTS APPLYING TO ALL OF THE FOLLOWING CATEGORIES OF APPOINTMENTS:**

Academic Staff Members appointed under the AASUA Collective Agreement:

- Academic Faculty Members
- Administrative Professional Officers (APO)
- Faculty Service Officers (FSO)
- Librarians
- Academic Teaching Staff (ATS)
- Temporary Librarian, Administrative and Professional Staff (TLAPS)
- Trust/Research Academic Staff (TRAS)

Postdoctoral Fellows (PDF) Staff

Academic Excluded Employees:

- Executive Member – President – when acting as an Employee or meeting their obligations as a senior official or designated senior official
- Executive Members – Vice-Presidents
- Academic Administrators – Deans, Vice-Deans, Deputy Provost, Vice-Provosts and Associate Vice-Presidents
- Management and Professional Staff (MAPS)

Support Staff Members appointed under the NASA Collective Agreement

Graduate Students when appointed as Employees under the Graduate Student Assistantship Collective Agreement

Graduate and Undergraduate Students when appointed as Employees under the AASUA or NASA Collective Agreements

Employees will also include those who are considered excluded from Collective Agreements by virtue of their workload, professional designation, length of appointment, or under the provisions of the *Public Service Employee Relations Act*, or who have been determined by the Public Service Employee Relations Board to be excluded under the provisions of that Act.

## How was the Code of Conduct developed?

The Code of Conduct was created extensively from both existing policies and procedures and collective agreements. In large part, the requirements related to ethical conduct and conflict of interest and commitment are not new. A “copy and paste” approach was used to create the Code from the following:

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- [Ethical Conduct and Safe Disclosure Policy](#) and [Ethical Conduct and Safe Disclosure Procedure](#)
  - [Conflict Policy](#) and [Conflict of Interest and Conflict of Commitment Reporting and Assessment Procedure](#)
  - [Collective Agreements](#) (Supplementary Professional Activities)

In order to meet the requirements of the legislation and the direction from the Office of the Ethics Commissioner, new sections were developed to address issues such as: impartiality in decision making and action; acceptance of gifts and event invitations; and concurrent employment and appointments. The [annotated version of the Code](#) outlines new versus current language.

As the Code is intended to operate alongside existing procedures and collective agreements, it does not purport to change any rights or obligations negotiated between the University and the Associations representing Academic Staff, Support Staff, Postdoctoral Fellows, and Graduate Students. In the case of a discrepancy or inconsistency between the Code and a collective agreement, the terms of the collective agreement will govern.

## What requirements are new within the Code?

1. Employees are reminded that they are to act and decide **impartially** in fulfilling their University duties. This means that Employees must discharge their duties in a non-partisan and objective manner so as to ensure that the public's confidence and trust in the University is upheld. Impartiality is required by the Code but is not intended to limit the academic freedom of those entitled Employees.
2. Employees of the University are expected to adhere to the highest standards of ethical conduct and are prohibited from acting in **self-interest** or furthering their private interests, personal or financial, by virtue of their position or the execution of their duties.
3. Directly or indirectly, Employees must not accept any **Gift or invitation to an Event** connected with the performance of their University duties or by virtue of their position if the acceptance of the Gift or Event invitation would create an actual or perceived conflict of interest.
4. An Employee engaged in a concurrent appointment, business, undertaking, employment, or self-employment (collectively "**Concurrent Activity**") in addition to their University appointment may be in a potential conflict.

Academic Staff Members (Faculty, FSO, Librarians, ATS, and TLAPS) who have the right to engage in **Supplementary Professional Activities ("SPA")** under the collective agreement will continue to have their obligations with respect to Concurrent Activity defined wholly by the collective agreement.

## What do I need to know about acceptance of Gifts or invitations to Events?

**Unless approved, Employees should not accept Gifts or Event invitations from third parties which either create an actual or perceived conflict of interest or exceed the maximum cash value permitted.**

**Gifts** which are not expected to create a conflict of interest are those received as part of:

- reasonable protocol;
- a social obligation;
- a cultural practice;
- a normal exchange of hospitality between two persons doing business together; or

- the normal presentation of gifts, hospitality or other benefits when participating in a public Event.

**Events** which are not expected to create a conflict of interest are those where:

- a significant cross-section of Employees have been invited;
- an Employee pays for their own food, beverage and other expenses; or
- attendance is a social obligation normally accompanying the Employee's position at the University.

**Maximum cash value for Gifts** has been set at \$250 per Gift, not exceeding \$500 per calendar year from a single source.

**Maximum cash value for Events** have been set at \$500 per Event, not exceeding \$500 from a single source and/or \$8,000 per engagement when participating in an active role (e.g. invitation to speak or participate at a conference, seminar, workshop, panel or other similar engagement), not exceeding \$16,000 per calendar year from a single source.

Any questions about the appropriateness of Gifts or invitations to Events should be directed to Reporting Officers\* for advice.

Exceptions from these maximum values may be requested in writing to the Employees' Dean or Vice-President.

\*A Reporting Officer is the holder of the office to whom an Employee reports or who has supervisory responsibility over the Employee. Typically it will be the Dean of a Faculty or their delegate, Department Chairs or Employee managers. Reporting Officers also include those Academic Staff Members and Excluded Staff Members who supervise students, trainees and/or Employees of centres or institutes.

## **What do I need to know about Concurrent Activities if I am not covered by the provisions of SPA?**

The categories of Employees who are not permitted by collective agreements to engage in SPA are:

- Part-time ATS Members;
- APO Staff Members and MAPS;
- TRAS and PDF Staff Members;
- Support Staff Members; and
- Graduate and Undergraduate Students as Employees under collective agreements.

Accordingly, these Employees will be required to report Concurrent Activities, subject to the deemed pre-approvals listed in the Code, so that the activity may be assessed for a conflict of interest and/or conflict of commitment and, where appropriate, managed. **The requirement for prior reporting and approval of Concurrent Activities only applies to Concurrent Activities for which the Employee receives, or is entitled to receive, remuneration.**

Part-time Academic Staff in the following circumstances are deemed to be engaged in Concurrent Activity which is pre-approved and not required to be reported under the Code (**unless it otherwise creates an actual or perceived conflict of interest under the University's policies, procedures and Collective Agreements**):

- (a) they teach no more than 2 courses per Term at the University;
- (b) the Concurrent Activity is with another post-secondary institution; or

- (c) the Concurrent Activity requires them to be a member of a specified professional association which has a code of conduct and can discipline members for breach of their code. The “specified professional associations” for the University are listed in Appendix A of [the Code](#);

Employees in the following circumstances are deemed to be engaged in Concurrent Activity which is pre-approved and not required to be reported under the Code (**unless it otherwise creates an actual or perceived conflict of interest**):

- (a) Student Employees whose concurrent employment is in the retail, hospitality or service industry; or
- (b) Support Staff Members who work 20 hours or less per week outside of their regularly scheduled working hours at the University.

When an Employee’s circumstances change such that their Concurrent Activity falls outside the pre-approved activities noted above, Concurrent Activity must be reported so that any perceived or actual conflicts can be assessed.

## What is a Conflict at the University?

Many conflict situations can be easily identified by reviewing the Code and University policies concerning conflicts of interest and commitment including those relating to reporting and assessment, National Institutes of Health and other research funding, managing conflicts in employment, and supplementary professional activity (SPA). The circumstances creating actual or perceived conflicts cannot be exhaustively or definitively set out. However, for the purposes of illustration a conflict of interest or commitment is present in the following circumstances:

1. when an Employee is in a position to influence or direct human resource decisions (employment, appointment, promotion, tenure) or admission, instruction or supervision decisions with respect to a related person (family member or person in a close personal relationship);
2. when an Employee uses University staff, resources and facilities for their personal benefit or the benefit of a related person;
3. where an Employee communicates private information, not available to the general public, obtained in the course of their duties to gain a personal benefit for themselves or related persons or entities;
4. when an Employee is in a position to make decisions related to performance evaluation or selection committees about another Employee and holds a personal bias (favorable or unfavorable) towards the other Employee and cannot separate that personal bias from the decision regarding performance or suitability;
5. when an Employee engages in a consensual personal relationship (any relationship, either past or present, which is romantic, intimate, or sexual in nature and to which both parties consent or consented) with a student or trainee or other Employee and the Employee is in a position to make, or influence, decisions or to take actions that might affect a student or trainee or other Employee, or might reasonably be perceived to exercise power or authority over, or extend favorable or unfavorable treatment to the student or trainee or other Employee. Examples of such situations where an actual or perceived conflict of interest may arise include:
  - the appointment as a trainee or other Employee,
  - the award of graduate teaching or research assistantships or other remunerative employment, prizes, scholarships, or financial assistance either within or outside the University using funds administered by the University,
  - the facilitation of a student’s housing arrangements,
  - the Employee works in or has responsibility for the administration of academic programs or services in the department or Faculty where the student is registered in a program of study,

6. when an Employee or a related person has a personal financial interest in the outcome of their research or teaching activities apart from their University salary, e.g., assigning required materials, texts and software to students which have not been approved in advance by either a Dean or Department Chair, as the case may be;
7. when an Employee has influence over, or makes a decision concerning, a relationship between the University and an external business or enterprise in which the Employee or a related person has a significant financial interest.

\* Student includes registered undergraduate or graduate students. Trainee includes postdoctoral fellows and medical and dental residents.

## **What are my obligations and responsibilities with respect to reporting Conflict of Interest and Conflict of Commitment in relation to the Code?**

Employees are responsible for reading, understanding and complying with the Code. The Code, in concert with applicable University policies, procedures and collective agreements will define the University's ethical standards, guide behaviours, and emphasize the importance the University places on the avoidance and management of actual or perceived conflicts of interest and commitment.

**Conflicts are reported annually at the University on a 12-month-in-the-future reporting period. However, all Employees are required to report on an ongoing basis should their situation/circumstances change during the reporting period.**

The purpose of disclosing in advance, actual or perceived Conflicts of Interest or Conflicts of Commitment is two-fold:

- first, to protect the interests, integrity, and reputation of the University, and
- second, to remind Employees to regularly think about actual or perceived conflicts of interest and commitment when undertaking activities both within and outside the University, or when entering into relationships which may call into question their impartiality and responsibility to put the University's interests ahead of their own or that of related persons or businesses, corporations, or other entities.

Where a conflict is found or perceived, rather than disallowing all conflicts, the objective is to assess the circumstances and, where appropriate, manage it in a way that does not detract from the interests and reputation of the University. The fundamental point is to understand the circumstances that give rise to actual or perceived conflicts and to report such conflicts in a timely and fulsome manner so that any conflict may be addressed, managed and resolved.

## **Who must complete an annual Disclosure Report?**

1. Academic Excluded Employees (Executive Members, Academic Administrators, MAPS);
2. Faculty, FSOs, Librarians, APOs and TRAS Staff Members;
3. ATS Staff Members who are appointed with the Contract Status of Career, Term 12 and Term 8R;
4. All other Employees must complete an annual Disclosure Report if they:
  - (a) make financial or hiring decisions;
  - (b) are employed in a unit which has as its primary function the creation of legal relationships with individuals or entities that are not part of the University;

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- (c) may have a conflict arising out of their research activities or out of existing Concurrent Activity; and/or
  - (d) are considering new Concurrent Activity which does not fall within the circumstances deemed to be pre-approved.

In all of the above cases, annual reporting is required for those Employees who are “active” but who may be off campus, such as those who are seconded to other organizations or on an approved leave.

## What if I have questions about what constitutes an actual or perceived conflict?

Please contact your Reporting Officer in your Faculty or unit or [Employees.Conduct@ualberta.ca](mailto:Employees.Conduct@ualberta.ca).

## What is the role of a Reporting Officer?

Employees frequently engage in activities or situations where actual or perceived conflicts will exist, or which raises the potential of actual or perceived conflicts. Rather than disallow all conflicts, a Reporting Officer will assess conflict considerations and, where appropriate, permit certain managed conflict. Conflict is permitted only if it can be managed in a way that is compliant with legislation, considers, protects and serves the interests, integrity and reputation of the University, and withstands the test of reasonable independent scrutiny.

A Reporting Officer will:

- ensure the receipt of all Conflict of Interest and Conflict of Commitment Disclosure Reports and assess the information that has been provided to determine if an actual or perceived conflict exists;
- where actual or perceived conflicts are identified, work with the Employee to manage or eliminate the circumstances leading to the conflict in order to protect the interest, reputation and integrity of the University;
- provide orientation to new Employees related to the Code of Conduct and associated policies at the beginning of employment as well as on a regular basis;
- advise employees on Code of Conduct issues, including advice on resolving straightforward conflict issues;
- seek out guidance and advice from the Vice-Provost & Associate Vice-President (HR) ([Employees.Conduct@ualberta.ca](mailto:Employees.Conduct@ualberta.ca)) on conflict issues that are complex and/or cannot be easily resolved;
- document any advice provided and/or decisions made; and
- retain Disclosure Reports for a period of three years.

## NEW DISCLOSURE REPORT FORMS

New forms will be posted as they become available.