



JUSTICE INSTITUTE
of BRITISH COLUMBIA

Policy No:

Responsibility: Vice President, Finance &
Administration

Conflict of Interest and Standards of Ethical Conduct

Approved by: Board of Governors

Effective: March 23, 1989

Revisions:

Policy

The Institute as a publicly-funded post-secondary educational institution dedicated to the improvement of justice and public safety education and training in the province, must be seen by the public to be above and beyond reproach, and that all of its employees/secondee be seen to embody the highest standards of professional conduct.

General Standards of Conduct

Institute employees and secondees have a general duty to be faithful and loyal to the Institute. It is important that they conduct themselves in such a way as to deserve and retain the confidence of the Ministries. In addition, their conduct should instill confidence and trust in the general public that the Institute is at all times fulfilling its obligations to carry out its mandate in an effective manner. The conduct of Institute employees and secondees must not bring the Institute into disrepute. Accordingly, they must avoid situations which violate the standards of conduct policies or result in a public perception that a violation has occurred. If an employee/secondee finds himself/herself in such a situation, he/she must disclose the matter to his/her supervisor and remedy it.

Conflicts of Interest

The Institute recognizes that the right of employees and secondees to be involved in activities as citizens of the community but they must keep their role as private citizens separate and distinct from their responsibilities as Institute employees/secondee and they must avoid conflict of interest situations. Conflicts of Interest include situations:

- where an employee/secondee's private affairs or financial interests are in conflict with his/her duties, responsibilities and obligations or result in a public perception that a conflict exists;
- which could impair the employee/secondee's ability to act in the Institute's interest; or
- where an employee/secondee's actions would compromise or undermine the trust which the public places in the Institute.

Compromising situations:

Employees/secondee should not place themselves in a situation where they are under obligation to any person who might benefit from or seek to gain special consideration or favour. Their honesty and impartiality must be above suspicion. They have a responsibility to conduct themselves in a way that does not either compromise the ability of the Institute to accomplish its mandate or undermine the public's confidence in the employee/secondee's ability to discharge their responsibilities properly.

Relationship of Job Responsibilities to the Employee/Secondee's Private Interests

No conflicts or public perception of conflict should exist between the private interests of employee/secondees and the discharge of their Institute duties. Upon appointment, employees/secondees shall arrange their private affairs in a manner that will prevent any conflicts of interest from arising.

Institute employees/secondees, in the performance of their official duties, shall not give preferential treatment to relative or friends or to organizations in which they or their relatives or friends have an interest, financial or otherwise.

Employees/secondees shall exercise care in the management of their private affairs so as not to benefit, or be perceived by the public to benefit, from:

- the use of information acquired solely by reason of their employment; or
- any Institute transaction over which they can influence decisions (for example, investments, borrowing, purchases, sales, contracts, grants, regulatory or discretionary approvals and appointments).

Institute employees/secondees shall not use their position, office, Institute affiliation, or Institute property to pursue personal interests. If an employee/secondee is called upon to give expert testimony in a court of competent jurisdiction, such time as is required will be part of scheduled work and any fees or payments derived there from shall be for the account of the Institute and shall be credited to the Academy/Division.

Gifts and Other complimentary Items

An employee/secondee shall not, either directly or indirectly, demand or accept gift, favour or service from any individual, organization or corporation other than:

- the normal exchange of hospitality between persons doing business together;
- tokens exchanged as part of protocol;
- the normal presentation of gifts to persons participating in public functions; or
- the normal exchange of gifts between friends.

Furthermore, employees/secondees are not to accept complimentary benefits such as hospitality or gifts from persons having dealings with the Institute when such practices could compromise the objectives of the employee/secondee or result in a public perception that his/her objectivity is compromised. Under no circumstances are employees/secondees to solicit gifts or free services for employees/secondee-related leisure activities.

Confidentiality

Employees/secondees shall not divulge information received through their position or office which is not available to the general public unless prior authorization is given for its release.

Where an employee/secondee has reason to believe that there exists an alleged contravention of the law, a waste of public funds or assets, or a danger to public health or safety, the employee/secondee shall bring the matter to the attention of the President. Where this does not resolve the matter, an allegation of illegal activities should be referred to police; a waste of public funds should be referred to the Auditor General; a danger to public health should be brought to the attention of health authorities (e.g. Public Health Inspectors); and, any safety concerns should be dealt with by established procedures (e.g. Safety Committee).

Affidavits and Legal Opinions

No employee/secondee should sign an affidavit relating to facts that have come to his/her knowledge in

the course of his/her duties for use in court proceedings unless the affidavit has been prepared by a lawyer acting for the Institute in that proceeding.

A written opinion prepared on behalf of the Institute by legal counsel is not to be released to persons outside the Institute without the prior approval in writing by the President.

Public Comment

Employees/secondees are to avoid entering into public political debate or advocacy regarding the Institute's policies. This does not apply to those employees/secondees who are involved, as a proper part of their duties, in the presentation of Institute policies and decisions. In all other cases, particular caution is required when an employee/secondee makes any public comment under circumstances where his/her position could be seen to lend weight to the opinion expressed.

Partisan politics at local, provincial or federal levels are not to be introduced into the workplace. This does not apply to informal private discussions among co-workers.

Outside Remuneration

Employees/secondees may engage in remunerative employment with another employer, carry on a business, or receive remuneration from public or private funds for activities outside their position provided that:

- they have informed their supervisor of such activity
- it does not interfere with the performance of their duties as an Institute employee/secondee;
- it does not represent a conflict of interest (refer to Conflict of Interest section of this policy);
- they do not have an advantage derived from their employment at the Institute;
- it is not performed in such a way as to appear to be an official act or to represent Institute opinion or policy;
- it does not involve the use of Institute premises, services, equipment or supplies to which they have access by virtue of their employment/secondment

Employees/secondees who are appointed as directors or officials of crown corporation shall not receive any additional remuneration beyond the reimbursement of travel expenses at rates to which they are entitled by virtue of their employment except as approved by the Lieutenant Governor in Council.

Working Relationships

Employees/secondees who are direct relatives or who share the same household shall not be employed in situations where:

- a reporting relationship exists where the superior has influence, input, or decision-making power over an employee/secondee's performance, evaluation, salary, premiums, special permission, potential for promotion, conditions of work, and similar matter, or,
- the relationship affords an opportunity for collusion between the two employees/secondees which would have a detrimental effect on the Institute.

The above policy may be waived provided that the President:

- upon review, finds it essential to do so in order to meet operational needs;
- and
- is satisfied that sufficient safeguards are in place to ensure that the Institute's interests are not compromised.

Employees/secondees are to disqualify themselves as participants in personnel decisions when their objectivity would be compromised for any reason. For example, Institute employees/secondees shall not participate in staffing actions involving direct relatives, persons married to direct relatives, or persons

living in the same household.

Requirements for Communicating Conflict of Interest and Standards of Ethical Conduct

Employees/secondees are to be clearly advised of the existence of the standards of conduct policy directives, its contents, and possible consequences if it is not followed

The President is authorized to:

- investigate possible breaches of the policies contained in this directive and take appropriate actions including discipline;
- delegate to academy/division directors the responsibilities for investigating possible breaches of standards and for taking appropriate action;
- supplement this policy directive, as required, with more specific procedures and policies;
- waive the policy on working relationships under the circumstances indicated.

Accountabilities

Academy/division directors are accountable for ensuring that:

- a system is in place whereby every employee/secondee in their academy/division is made aware of this policy directive and the possible consequences of its breach;
- levels of authority are defined for the release of confidential information.

Every employee/secondee of the Institute is accountable for:

- disclosing and resolving situations that may constitute or in the public's perception constitute a breach of the standards of conduct directive when that situation involves himself/herself;
- checking with and gaining authorization from an academy/division director prior to releasing information which may be confidential;
- checking with his/her academy/division director when the appropriateness of receiving outside remuneration is unclear;
- trying to resolve an issue or concern through normal Institute channels prior to proceeding with any other action.

Definitions

"Direct relative" – for the purpose of this policy, a direct relative includes a spouse (including common-law spouse), parent, grandparent, grandchild, brother, sister, son or daughter. A person married or (common-law) to one of the above is considered a direct relative only if living in the same household.