



## CODE OF ETHICS AND SAFE DISCLOSURE POLICY APPLICABLE TO EMPLOYEES OF CONCORDIA UNIVERSITY

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**Effective Date:** June 21, 2016

**Originating Office:** Board of Governors

**Supersedes/Amends:** June 23, 2011

**Policy Number:** BD-4

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### SCOPE

This Code applies to all employees of Concordia University (“the University”) but does not stand on its own. Employees are also guided by a number of other codes and policies which set forth standards of good conduct, including but not limited to the *Policy for the Ethical Review of Research Involving Humans* ([VPRGS-3](#)), *Policy on Conflicts of Interest in Research* ([VPRGS-5](#)) and the *Code of Rights and Responsibilities* ([BD-3](#)) as well existing [collective or employment agreements](#) and professional codes of ethics for specific professions.

### PURPOSE

The purpose of this Code is to establish the rules of conduct respecting conflicts of interest applicable to the employees of the University as well as to provide a protected disclosure mechanism by which Directors, Officers and employees acting in good faith can disclose wrongdoing within the University.

### DEFINITIONS

For the purposes of this Code, the following definitions apply:

“conflict of interest” means a situation where an employee has a personal interest, whether direct or indirect, of which he/she is aware and which is sufficient to put into question the independence, impartiality and objectivity that he/she is obliged to exercise in the performance of his/her duties and responsibilities as an employee.

“employee” means any full-time, part-time or temporary employee of the University, including faculty, staff and administrators as well as any individual engaged by the University on a consulting basis or in virtue of any other contractual agreement.

“immediate relative” means a spouse, child, parent, sibling or partner (as defined below).

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“partner” means a person with whom an employee has cohabitated for at least one year or with whom he/she has a personal/close relationship that is of primary importance in his/her life.

“perceived conflict of interest” means a situation where an employee, while not in a conflict of interest, appears to have, in the opinion of a reasonably informed and well-advised person, a personal interest that is sufficient to put into question the independence, impartiality and objectivity which he/she is obliged to exercise in the performance of his/her duties and responsibilities as an employee.

“personal interest” means the personal, private or financial interest of an employee or a related party.

“related party” means an employee’s immediate relative as defined above or any person with whom the employee shares a financial interest, either directly or indirectly.

CODE

Standards of Conduct

1. An employee shall conduct himself/herself in an ethical and professional manner and shall make decisions in the best interests of the University. He/she shall honour the principles of collegiality and fairness, and perform his/her duties and responsibilities with objectivity, care, integrity, loyalty, prudence and diligence to facilitate and foster the accomplishment of the University’s mission.

Situations of Conflicts of Interest or Perceived Conflicts of Interest

2. An employee shall perform his/her duties and responsibilities, and act in such a manner as to avoid any conflict of interest or perceived conflict of interest. The interests of the University shall always prevail where an employee is in a situation of conflict of interest or perceived conflict of interest, or where the personal interest of a related party places an employee in a situation of conflict of interest or perceived conflict of interest. The following, without limitation, are examples of conflicts of interest or perceived conflicts of interest:

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- i) when an employee or a related party, whether directly or indirectly, has a personal interest in a contract or a proposed contract to be entered into by the University or a University-related body, or obtains, or is likely to obtain, a personal advantage or benefit as a result of a decision made by the University or a University-related body;
- ii) when an employee accepts gifts, gratuities or favours from a person, body, enterprise or association engaged in or wishing to engage in transactions with the University, except in the case of customary gifts, gratuities or favours of a trivial or nominal value;
- iii) when an employee uses his/her position to help a person or body, enterprise or association in dealings with the University in a situation which gives rise to real or perceived preferential treatment;
- iv) when an employee uses information obtained in the performance of his/her duties and responsibilities as an employee which is not generally communicated to the public for his/her own advantage or benefit or for the advantage or benefit of a related party;
- v) when an employee uses or allows to be used, directly or indirectly, the University's goods or services for activities other than those approved by the University for his/her own advantage or benefit or for the advantage or benefit of a related party.

Supervision of immediate relatives

3. An immediate relative shall not be hired to work in the same department nor report to the same supervisor as a current employee unless:
  - specific provisions of a collective agreement apply. In such cases, the acknowledgement provided for below shall be completed and placed in the employee's personnel file; or
  - the immediate relative is a student and the employment is for a period of less than six (6) months; or

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- it is specifically authorized, in writing, by the Associate Vice-President, Human Resources following consultation with the relevant officials. The authorization shall be placed in the employee's personnel file, and shall include an acknowledgement by the immediate relative and the current employee of the potential conflict of interest and shall state their commitment to act with the highest degree of integrity, objectivity and professionalism. As well, the authorization shall outline the mechanism or measures that will be utilized to mitigate the potential conflict of interest, with particular reference to recommendations for evaluation, renewal, promotion, the handling of grievances and complaints, and termination.

Notwithstanding the above, employment situations that contravene this article but that were in existence prior to the effective date of this Policy, are excluded from the application of this article.

Management of Conflicts of Interest or Perceived Conflicts of Interest

4. An employee shall immediately disclose to his/her immediate supervisor any conflict of interest or perceived conflict of interest. When in doubt about a particular situation, he/she shall discuss it with his/her immediate supervisor prior to engaging in the activity in question.
5. The employee and immediate supervisor shall agree in writing on a course of action to monitor or avoid the conflict, a copy of which shall be placed in the employee's personnel file and which shall be forwarded to the Secretary-General and the relevant Vice-President.
6. In the event that an agreement cannot be reached, the case shall be referred to the Secretary-General for resolution. In such cases, the Secretary-General shall consult with the relevant Vice-President and any individual (including the relevant union or association, if appropriate) that he/she deems appropriate.
7. An employee may also seek guidance from the General Counsel, who shall serve as a resource to help him/her identify a conflict of interest or perceived conflict of interest. Moreover, the General Counsel shall provide information to an employee, upon his/her request, on any question regarding the application of the rules set out in this Code.

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Mechanism for Safe Disclosures of Wrongdoing

8. Any Director, Officer or employee of the University who becomes aware of any apparent conflict of interest or other behavior in contravention of this Code by any University employee may report the matter to the President or the Secretary-General or directly to the Chair of the Audit Committee of the Board of Governors, either in writing with the mention “*Strictly confidential – To be opened by addressee only*” or by leaving a voice mail message with his/her name and contact information in the private voice mail of the President, the Secretary-General or the Chair of the Audit Committee at the relevant number for that person, as set forth in the [Code of Ethics Disclosure Phone Line Information Page](#).

Any complaint against a Dean, a Chief Officer, a Vice-President or the President shall be made directly to the Chair of the Audit Committee.

9. The complaint should be as detailed as possible and include a description of the conduct, dates, places, persons involved/witnesses, other individuals who have knowledge of the behaviour, relevant documentation, etc. so that a reasonable investigation can be conducted.
10. If the complainant is not satisfied with the response of the President or the Secretary-General or for any reason whatsoever is not comfortable in approaching either individual, he/she may contact the Chair of the Audit Committee directly.
11. An investigation shall be conducted by the President, the Secretary-General, the Chair of the Audit Committee or a designated person or entity as the case may be.
12. The investigation shall be conducted with due regard to the sensitivity of the complaint and the investigator shall use reasonable efforts to protect the privacy of the complainant and the confidentiality of the investigation, to the extent consistent with a fair investigation. The investigation shall be completed within a reasonable amount of time, taking into account the circumstances, the content of the complaint, and the best interests of the University.
13. Information about the investigation shall be treated on a confidential basis and shared strictly with those who have a legitimate need for the information.

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14. Provided that he/she acted in good faith, the identity of the individual who made the complaint shall not be disclosed unless he/she consents or unless required by law or the application of a [collective or employment agreement](#).
15. The University will not threaten to or retaliate or discriminate, and will not permit any threat of or retaliation or discrimination against any individual making a complaint, in good faith, under this Code. This protection is also extended to anyone providing information in connection with an investigation. The procedure set out in the relevant University policy or collective or employee agreement shall be followed in cases of alleged reprisals.
16. All complaints, after they have been investigated, shall be reported to the Audit Committee at one of its regular meetings. The Committee shall review the conclusions of the investigator's report and, in the case of an investigation mandated by the Audit Committee directly, it shall recommend such corrective, disciplinary or other measures or actions as it deems appropriate.

Non-compliance

17. The failure of an employee to comply with the provisions of this Code may constitute a disciplinary offence under the provision, contract or [collective or employee agreement](#) to which the employee is subject.
18. Nothing in this Code shall replace or supersede any complaint, grievance or appeal procedure set out in any [collective or employee agreement](#) to which the University is a party.

Oversight

19. The Secretary-General shall oversee and enforce the application of this Code.