

AP 4000 - Employee Code of Conduct

Background

School District No. 8 Kootenay Lake (SD8 or the District) is committed to accountable and transparent practices which serve the best interests of the district as a whole. All members of the SD8 community are expected to uphold the District's high ethical standards, demonstrating integrity, honesty, and responsibility in all of the district's operations and in relationships with the community at large. The Employees' Code of Conduct promotes the District's commitment to be ethical and credible in its relationships with its employees, students, partners, vendors, and others.

These standards are paramount to developing and maintaining the public's trust and confidence in the district and public education system. Employees and contractors working for the district must act in accordance with the privileged position of authority, trust and influence they hold with students.

The district is further committed to creating and maintaining an inclusive and safe teaching, learning, and working environment in which everyone behaves with respect, adheres to professional standards, and complies with the rules of law. Awareness of the provisions of this Code is fundamental in ensuring employees act appropriately in all dealings involving the District, its members, and its partners.

This Employees' Code of Conduct (the "Code") defines and explains the expectations placed on employees to engage in ethical behaviour and to avoid actual conflicts of interest. Employees should use this Code in tandem with any applicable contractual agreement, collective agreement, or obligation at law, for guidance on how to correctly recognize, disclose and manage these or related situations.

The requirement to comply with this Employee Code of Conduct is a condition of employment. Employees who fail to comply with these standards may be subject to disciplinary action up to and including dismissal. Employees are to contact their immediate supervisor for advice and assistance on the interpretation or application of this administrative procedure.

Scope and Application

This Code is applicable to all employees of the district, regardless of status, but does not include members of the Board of Education, who are governed by the separate Board of Education Code of Ethical and Professional Conduct and non-employees, such as volunteers and contractors.

Nothing in this Administrative Procedure shall be deemed to diminish or impair the rights of the District to manage its employees under any policy or collective agreement, or to prohibit management from taking any disciplinary or other personnel actions.

1. Guiding Ethical Principles and Respect in the Workplace

- 1.1 The District requires all employees to uphold its high ethical standards of conduct.
- 1.2 All employees should respect their colleagues. The district has zero tolerance of any kind of discriminatory behavior, racism, retaliation, harassment, or victimization. The conduct and language of District employees in the workplace must meet acceptable social standards and must contribute to a positive work environment. An employee's conduct must not compromise the integrity of the District. Employees are to treat each other in the workplace with respect and dignity and must not engage in discrimination or harassment based on any of the prohibited grounds covered by the Human Rights Code as per Administrative Procedure 580.1 - Respectful Workplace.
- 1.3 Employees should be cooperative and collaborative. They should try not to present obstacles to their colleagues' work.
- 1.4 All employees must be open for communication with their colleagues, supervisors, or team members.
- 1.5 Employees must know and understand the duties and obligations of their role, including those provided in this Code. Employees must act impartially in carrying out their duties and meeting their obligations and must exercise any discretionary decision-making authority in accordance with the District's ethical standards.
- 1.6 Employees of the District are prohibited from acting primarily in self-interest or furthering their private interests by virtue of their position with the District or through the carrying out of their employment responsibilities.
- 1.7 An employee's primary responsibility is to the District and this responsibility should take precedence over all other working relationships.
- 1.8 An employee's external interests should not compromise their ability to perform all activities expected of them.
- 1.9 Employees must respect the confidentiality of the District and are not permitted to use District resources or information that is not publicly available for the private benefit of any person.
- 1.10 Any person who suspects or observes an employee engaging in unethical behaviour or other activities contrary to this Code should raise the concern or notify to their supervisor and/or Human Resources department.
- 1.11 An employee should not attempt to personally conduct investigations or interviews related to any suspected unethical activity.
- 1.12 An employee will uphold privacy appropriate practices and not surreptitiously record staff or students without their knowledge and appropriate consent.

2. Compliance with Laws, Policies and Administrative Procedures

- 2.1 All employees should read and follow District policies and administrative procedures. It is the responsibility of the employee to obtain clarification about the administrative procedures.
- 2.2 All employees working on behalf of the District are expected to adhere to applicable laws, policies and administrative procedures and must never commit or condone an criminal act or counsel another employee, contractor, or consultant to violate an applicable law.
- 2.3 Employees must fully comply to the employment letter and contractual agreements.

3. Loyalty to the District

- 3.1 District employees have a duty of loyalty to the District as their employer. The duty of loyalty requires District employees, irrespective of political preferences or affiliations, to serve the District to the best of their ability. Employees' conduct must instill confidence and trust and must not bring the District into disrepute.

4. Confidentiality

- 4.1 Confidential information that employees receive through their employment must not be divulged to anyone other than persons who are authorized to receive the information.
- 4.2 Employees who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing it. Caution and discretion in handling confidential information extends to disclosure made inside and outside of the District and continues to apply after the employment relationship ceases.
- 4.3 Confidential information that employees receive through their employment must not be used by an employee for the purpose of furthering any private interest, or as a means of making personal gains. See the Conflict of Interest section.

5. Public Comments

- 5.1 District employees are free to comment on public issues but must exercise caution to ensure that they do not jeopardize the public's confidence in their ability to perform their duties in the public education system or create a perception of partiality in the performance of their duties or damage the District's reputation. Care is to be taken in making comments or entering into public debate regarding policies or administrative procedures.
- 5.2 Employees shall not use social media to express personal concerns about the District, colleagues, or District business or share information on social media platforms that is



not already available to the public, or content that reflects poorly on colleagues or the District.

- 5.3 District employees must not use their position in the District to lend weight to the public expression of their personal opinions, or state or imply in any way that their views are endorsed by the District.

6. Political Activity

- 6.1 District employees are free to participate in political activities, including belonging to a political party, supporting a candidate for elected office and actively seeking elected office. Employees' political activities, however, must be clearly separated from activities related to their employment. If engaging in political activities, employees must be able to retain the perception of impartiality in relation to their employment duties and responsibilities. This Employee Code of Conduct is not intended to restrict private, consensual discussions between co-workers or between workers and other members of the school community.
- 6.2 Employees must not engage in political activities, not including learning activities, during working hours or use District facilities, equipment, or resources in support of these activities.
- 6.3 Partisan politics at the local, provincial, or national levels are not to be introduced into the workplace.
- 6.4 Any employee who contributes, participates, or voices or otherwise expresses political opinions or support must do so in their personal capacity and not as employees or representatives of the District.

7. Job duties and authority

- 7.1 All employees should fulfill their job duties with integrity and respect toward members of the school community and education partners.
- 7.2 Supervisors and managers must not abuse their authority. Although supervisors are expected to delegate duties, they should take into account their competences and workload. It is expected that team members follow team leaders' instructions and complete their duties with skill and in a timely manner.
- 7.3 Employees are expected to follow prescribed working hours or days for their job description and must be punctual when arriving for work.

8. Protection of District Property

- 8.1 Employees should treat district's property, whether material or intangible, with respect and care.



- 8.2 Employees will respect incorporeal property. This includes trademarks, copyright, and other property (information, reports etc.) Employees should use this only to complete their job duties.
- 8.3 Employees should protect district facilities and other material property (e.g., District cars, buses, equipment's, buildings, furniture, etc.) from damage and vandalism, whenever possible.
- 8.4 Employees shall not use district property for personal use.

9. Conflict of Interest

Definition: Generally, conflict of interest exists when an individual has an external interest, financial or otherwise, that could impact their conduct at the district. This may occur when the external interest provides, directly or indirectly, a motivation or incentive to influence the individual's conduct in exercising their employment responsibilities. This creates a risk that the individual's judgment or actions could be, or could be seen to be, unduly influenced by that external interest. Conflict of interest includes both actual and apparent/perceived conflicts of interest. An apparent or perceived conflict of interest occurs where there exists a reasonable perception, which a reasonably well-informed person could properly have, that the individual's ability to exercise an official power or perform an official duty or function must have been affected by their private interest.

- 9.1 Employees are expected to remain loyal to the district and avoid conflicts of interest.
- 9.2 Employees must exercise care to avoid conflicts of interest.
- 9.3 An employee engaging in an activity or situation that creates an actual or perceived conflict of interest must immediately:
 - 9.3.1 Self-report the conflict of interest to their supervisor and/or Human Resources immediately;
 - 9.3.2 End or resolve the conflict of interest or seek a determination the conflict is manageable; and
 - 9.3.3 Take reasonable steps to protect themselves and the interests of the District.
- 9.4 An employee with a conflict of interest that will not be immediately ended or resolved must request that the District review the potentially conflicting activity or situation and make a determination as to whether the conflict is a manageable conflict. A request is to be made to the supervisor and/or the Director of Human Resources and must specify:
 - 9.4.1 The nature of the conflict of interest;
 - 9.4.2 The actions the employee will take to ensure the conflict does not prejudice their ongoing employment responsibilities with the District; and



- 9.4.3 If the conflict relates to alternate employment, outside business interests, or other appointments, the contact information of persons involved with the other activity that the District may contact, if necessary, to determine whether any conflict will be manageable or not.
- 9.5 The Director of Human Resources may involve an employee's immediate supervisor, the Superintendent, or any other appropriate parties in investigating whether the conflict of interest is manageable. If the request is being made by the Superintendent, the request is to be made to the Board of Education who will make a determination in the same manner as normally assigned to the Director of Human Resources.
- 9.6 The District will make a written determination within a reasonable time from the receipt of the request as to whether or not the conflict of interest is manageable.
- 9.7 If the conflict of interest is determined to be unmanageable, the employee must end or resolve the conflict or resign from their employment with the District.
- 9.8 If the conflict of interest is determined to be a manageable conflict, it is the obligation of the employee to ensure the conflict remains manageable and to notify the District of any material change in circumstances.
- 9.9 Notwithstanding the ongoing and active obligation to declare conflicts of interest immediately, employees may be asked to complete declarations that they are free from conflicts of interest.
- 9.10 If an employee is not sure what or whether to declare, the employee should err on the side of caution. An employee may contact an immediate supervisor or the Director of Human Resources for guidance.
- 9.11 Any employee who observes or suspects another employee is engaging in a conflict-of-interest contrary to this Code should raise the concern or notify to their supervisor and/or Human Resources.
- 9.12 An employee should not attempt to personally conduct investigations or interviews related to any suspected conflict of interest.
- 9.13 The Human Resources department may share any report with an employee's immediate supervisor and/or the Superintendent, as necessary.

10. Gifts and Entertainment

- 10.1 Employees must not request or accept from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises out of their employment in the District, other than the exchange of normal hospitality between persons doing business together or gifts to persons participating in public functions.
- 10.2 Notwithstanding the above, an employee may not accept gifts, entertainment or any other complimentary item valued in excess of \$100 without approval from the employee's supervisor.

- 10.3 Employees may not use vendors or their employment with the District to achieve personal gain from vendor or suppliers, outside of the employee incentive programs that are communicated to all employees.

11. Close Personal Relationships

- 11.1 A close personal relationship includes, with respect to an individual: The individual's spouse (including common-law), child, sibling, parent, spouse's parent, niece, nephew, aunt, uncle, grandparent, grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-child, step-sister, step-brother or step-parent; any other member of the individual's family who resides at the same household as the individual; or another individual whom the individual has an intimate relationship with.
- 11.2 Conflicts of interest arising out of close personal relationships in the workplace must be avoided. Employees must never have influence, input or decision-making over the hiring, evaluation, promotion or establishment of terms and conditions of employment of anyone with whom they have a close personal relationship. This includes, but is not limited to, influence over the hiring, evaluation, or retention of contractors.
- 11.3 Employees in close personal relationships must not be employed or retained in positions where the working relationship affords an opportunity for collusion between the employees.
- 11.4 The above restriction on working relationships may be waived, provided that the Superintendent or designate is satisfied that sufficient safeguards are in place to ensure that the District's interests are not compromised.
- 11.5 Employees must disqualify themselves as participants in personnel decisions when their objectivity could be perceived to be compromised for any reason or when a benefit or perceived benefit could accrue to either party.

12. Outside Remuneration

- 12.1 Employees may engage in remunerative employment with another employer, carry on a business, receive remuneration from public funds for activities outside their position or engage in volunteer activities without there being a conflict of interest, provided that such employment or activity does not:
- 12.1.1 Interfere with the performance of their duties.
 - 12.1.2 Bring the District into disrepute.
 - 12.1.3 Appear to be an official act of, or represent, the District; and,
 - 12.1.4 Gain an advantage that is derived from their employment with the District.

13. Duty to Report and Reporting Misconduct

- 13.1 Every employee shall report actual or suspected misconduct.
- 13.2 Employees must immediately notify to their supervisor and/or the Director of Human Resources, of misconduct that includes violations of the Code, policies, and the law.
- 13.3 An employee must report if they are asked to commit or believe that we have been witness to a potentially illegal or unethical act.
- 13.4 If an employee becomes aware of a breach of the Code or any other situation that could place the District at risk of loss or harm, they must report it immediately.
- 13.5 Employees and supervisors who have reason to believe that a child or youth under 19 has been or is likely to be abused or neglected and that the parent is unwilling or unable to protect the child or youth, must report the suspected abuse or neglect to the Ministry of Children and Family Development.

14. Investigations and Responses to Alleged Violations

- 14.1 Reports of concerns, violations or misconduct may be investigated to determine if there was a breach of the Code, policy or law governing conduct. Investigations will be thorough, fair and in accordance with legal obligations.
- 14.2 All employees have a duty to cooperate with internal or external investigations concerning alleged misconduct, and provide honest, accurate, complete, and timely information. The District will make every effort to protect the confidentiality of the investigation.
- 14.3 The Director of Human Resources has the primary responsibility for initiating investigations. The Director of Human Resources will conduct an initial assessment to determine who, if anyone, will conduct the investigation (internally or externally) and may consult with the Superintendent and/or external legal counsel, as appropriate.
- 14.4 All initial assessments will be reviewed periodically by the Human Resources department to ensure that:
 - 14.4.1 A consistent approach is being applied to all suspicions or complaints following discovery or notification of an alleged violation; and
 - 14.4.2 Any necessary risk mitigation activities are being undertaken to minimize any losses the District could experience.
 - 14.4.3 Any employee suspected or alleged to have committed an ethical violation or to have engaged impermissibly in a conflict of interest are to be treated fairly and consistently.
- 14.5 All investigations undertaken, externally or internally, will be carried out in accordance with any applicable laws in the Province of BC and any obligations existing in any collective agreement or contractual agreement.

- 14.6 If the investigation substantiates that a violation of this Code has occurred, including any unethical behaviour, fraudulent activity, or unreported conflicts of interest, the Director of Human Resources will advise the Superintendent and the employee's supervisor as appropriate, in determining the appropriate course of action.

15. Confidentiality in Investigations

- 15.1 Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the District from potential civil liability.
- 15.2 All copies of written complaints, findings, warnings, reprimands, or other documentation relating to an actual or alleged breach of this Code, including the result of any investigation, will be added to an employee's personnel file.

16. Commitment to Non-Retaliation in Investigations

- 16.1 There will be no retaliation for speaking up and making a truthful report of actual or potential misconduct, for participating in an investigation or for exercising legal rights. Retaliation can include behaviour or actions that punish or deter someone from speaking up such as: negative performance evaluations, creating a hostile work environment, harassment, demotion, dismissal, or assigning tasks with the intent to isolate or discourage someone.
- 16.2 If an employee perceives to encounter any form of retaliation, the employee shall report it to their supervisor and/or the Director of Human Resources immediately. The District commits to investigate every claim of retaliation and to take disciplinary action if necessary.