

HR18**Employee Code of Conduct**

Classification:	Human Resources
Responsible Authority:	Director, Labour and Employee Relations
Executive Sponsor:	Vice President, Human Resources
Approval Authority:	Algonquin College Executive Team
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PURPOSE

To provide guiding principles regarding the conduct expected of all College employees in the performance of their duties.

To provide a mechanism to deal with employees who behave in a manner which is disruptive to the College environment, or which interferes with the well-being of other employees or which causes damage to College property.

SCOPE

This policy applies to all employees who enter into a working or service relationship with the College. This policy covers all College interactions and business dealings on College premises or off-campus.

DEFINITIONS

Word/Term	Definition
Caring	As an Algonquin Core Value, Caring is demonstrated by having a sincere and compassionate interest in the well-being of the individual.
Learning	As an Algonquin College Core Value, Learning is demonstrated through the pursuit of knowledge, personal growth and development.
Integrity	As an Algonquin Core Value, Integrity is demonstrated through the trust, honesty and fairness in all relationships and transactions
Respect	As an Algonquin College Core Value, Respect is demonstrated by valuing the dignity and uniqueness of the individual, and equity and diversity in our community.

POLICY

1. The College expects its employees to foster an environment which reflects the College values of Caring, Learning, Integrity and Respect while performing their duties.

2. An Employee Code of Conduct offers guidance to its employees on standards of integrity and business conduct. No code can address every situation an employee may encounter. As a result, employees are expected to be guided by the letter and the spirit of the Code, and to exercise good judgment. In circumstances where they are unsure as to the proper course of action; they are to seek guidance from their immediate supervisor.
3. This policy centers on counselling and disciplinary actions to be taken by the College should the conduct of an employee be deemed in violation of this policy
4. Knowledge of College Policies and Regulations
 - a. Employees need to be aware of and comply with the legislation and regulations that affect how they carry out their duties, including those of other countries when traveling out-of-country on College business.
 - b. Employees are expected to be familiar with the College policies relevant to their responsibilities and conduct themselves in a manner consistent with those policies.

	Action	Responsibility
A.	During employee orientation, review with new employees College policies applicable to all employees.	Human Resources Staff
B.	During the department orientation, review with new employees those College policies relevant to their responsibilities.	Immediate Supervisor
C.	On an on-going basis, bring to the attention of their employees new policies and revisions to existing ones.	Immediate Supervisor
D.	Conduct oneself in accordance with the Employee Code of Conduct at all times; seek guidance from the immediate supervisor if in doubt as to the proper course of action to follow.	Employee

5. Respect in the Workplace
 - a. Employees are expected to demonstrate behaviours that reflect the College values of Caring, Learning, Integrity and Respect in all their interactions.
 - b. Employees are expected to promote and support a respectful, inclusive and safe work environment where everyone is treated with respect and dignity.
 - c. Employees are to act with transparency and impartiality to make sound, unbiased decisions in order to avoid any perception of conflict of interest. This would include ensuring that they do not benefit personally or professionally from any decision made within the context of their job, or allow outside interests to conflict with the employee's position at the College, use the assets of the college for personal gain or supervise a family member in their direct chain of command.
6. Professional Behaviour
 - a. Employees are expected to act in a professional manner that includes meeting obligations, being truthful, being cooperative with College administration, maintaining integrity in their work and civility in their conduct and communications.

- b. Employees are expected to present themselves in a professional manner including appropriate dress and personal appearance in keeping with the nature of the work they perform and the public image of the College they represent.
 - c. Employees are expected to contribute to a healthy and safe workplace by complying with all safety legislation and/or policies and by taking all reasonable precautions to ensure their own safety and that of others.
 - d. Employees are expected to ensure that their conduct does not jeopardize the good order and proper functioning of College operations and that they do not use College property or assets for anything other than legitimate College business, in accordance with policies pertaining to Conflict of Interest.
7. Sexual Misconduct
- a. For the purposes of this Policy, “sexual misconduct” means, in relation to a student:
 - i. physical sexual relations with the student, touching of a sexual nature of the student or behaviour or remarks of a sexual nature toward the student by an employee of the College where,
 - A. the act constitutes an offence under the Criminal Code;
 - B. the act infringes the student’s right under clause 7 (3) (a) of the Ontario Human Rights Code to be free from sexual solicitation or advances; or
 - C. the act violates HR 21 Staff/Student Personal Relationships as it relates to relationships between employees and students; or
 - ii. any conduct by an employee that infringes a student’s right under clause 7 (3) (b) of the Ontario Human Rights Code to be free of reprisal or threat of reprisal for the rejection of a sexual solicitation or advance.
 - b. Employees are to maintain professional boundaries with students and to refrain from engaging in or creating the conditions to engage in sexual or romantic relationships with students.
 - c. Employees who are involved in a sexual or romantic relationship with a student are required to comply with the reporting obligations under HR 21 Staff/Student Personal Relationships and cooperate in all efforts by the College to mitigate the risks associated with the relationship.
 - d. Employees who engage in sexual misconduct in relation to a student will be subject to disciplinary action.
 - e. In the event that an employee is found to have engaged in sexual misconduct towards a student, it will be deemed to be just cause for the termination of their employment without requirement to adhere to the disciplinary stages described below, and a note shall be placed in the employee’s file indicating that they are not eligible for rehire by the College.
8. For any discussions with a bargaining unit employee that may lead to discipline, or is disciplinary in nature, an employee is entitled to union representation.

Nothing in the policy is meant to conflict with the College’s obligations to its employees under its various collective agreements or employment contracts.

Breaches of College policies and how the College will address violations are outlined below.

PROCEDURE

It is the policy of Algonquin College to provide guidance and/or corrective action to employees who violate the rules and regulations of the College. Algonquin College is committed to ensuring that a comprehensive fact-finding exercise is completed for every incident and the employee will be given the opportunity to explain the situation from their point of view. Prior to a decision on discipline, employees

at stages 2 and 3 will be provided an opportunity to respond in writing and this will form part of the record documenting the incident.

Action – Corrective Counselling/Discipline Stages

1. Corrective Counseling/Discipline Stages must be followed if the employee has a confirmed incident or where there has been a breach of Algonquin College policies, rules or regulations. This is to allow the employee to correct, improve, or change his/her conduct before serious discipline or termination is required.
2. Progressive disciplinary procedure will be followed; however, the type of conduct may warrant administering discipline at a more advanced step in the process. Normally, the first occasion a supervisor has to speak to the employee for instruction or correction of some practice or activity will be treated as coaching/counseling and shall not be considered as a formal action.
3. Should a supervisor be required to speak to the employee on subsequent occasion(s), the following progressive disciplinary procedure will apply:

Stage 1 – First Written Counsel

Stage 2 – Second Written Counsel

Stage 3 – Final/Written Counsel

Stage 4 – Termination of Employment

4. Similar or like violations are considered together when determining the next disciplinary stage in the progressive discipline procedure except where the severity of the incident warrants an advanced disciplinary response, or where the past record of the individual, regardless of the nature of the conduct, warrants an advanced disciplinary response.

Violations that are not similar are dealt with on an individual basis and will begin at Stage 1 unless they are reoccurring, or have developed to Stage 2 or 3 written counsel.

Remedies and Sanctions

If the employee has reached the Third Stage of the corrective counseling action and the employee engages in conduct that warrants corrective counseling/discipline, the employee will proceed to Stage 4.

The employee may be put on an administrative leave with pay while an internal investigation takes place to determine the facts and the appropriate course of action. However, at any time during this period, should the investigation be taken over by law enforcement authorities, the paid suspension will end immediately. The employee will remain on unpaid suspension pending the outcome of the investigation.

Informal Steps - Coaching/Counseling Discussion

Supervisors and Managers will provide guidance to the employee with the goal of assisting the employee in meeting expectations. The employee will know what is expected prior to starting work and will be provided with the appropriate training and resources to meet the expectations. All issues regarding conduct will be discussed in a private setting. All issues will be discussed in a fair and consistent manner. The coaching/counseling discussion will be documented within the department's management.

Formal Stages

1. Stage 1 – First Written Counsel

- i. If guidelines, standards of conduct, performance, attitude, or behavior continue to be disregarded or improvements are not made, the employee will be counseled by his /her Supervisor or Manager in writing.
- ii. A representative from the Human Resources Department may also be present if requested by the Supervisor, Manager, or employee. The Supervisor will complete a written communication that will clearly explain the actions that must be taken to improve conduct and/or performance, and which may include a coaching plan if deemed necessary.
- iii. The employee will be given the opportunity to respond verbally and in writing. The employee will be advised of future steps should improvements not be made. This documentation will be placed in the employee's official personnel file and a copy will be provided to the employee.

2. Stage 2 – Second Written Counsel

- i. In cases where there is a repeated occurrence of misconduct, performance problems or serious misconduct, the employee will be counseled again by his/her Supervisor or Manager with the issuance of a Stage 2 – Written Counsel. Coupled with Written Counsel, up to three (3) days of unpaid suspension may be warranted depending upon the individual case.
- ii. The employee will meet with the Department Manager or Supervisor to discuss the incident or lack of progress in meeting the expected standards of conduct and/or performance. A representative from the Human Resources Department may also be present if requested either by the Supervisor, Manager, or employee.
- iii. The employee will be given the opportunity to respond verbally and in writing. All discussions will be documented and kept in the employee's Human Resources file, and a copy will be provided to the employee
- iv. The employee may be required to develop an improvement plan with the assistance of his/her supervisor/manager, if deemed appropriate.

3. Stage 3 – Final Written Counsel

- i. In cases of repeated performance problems, serious misconduct, or severe breach of performance standards, the employee will be issued a Stage 3 Final Written Counsel. Coupled with Written Counsel, up to five (5) days of unpaid suspension may be warranted depending upon the individual case.
- ii. The employee will meet with the Department Manager or Supervisor to discuss the incident or the lack of progress in meeting expected standards of conduct and/or performance. A representative from the Human Resources Department may also be present if requested by the Supervisor, Manager, or employee.
- iii. The Supervisor or Manager will outline that the lack of progress in meeting the standards will jeopardize continued employment. The employee will be given the opportunity to respond verbally and in writing.
- iv. All discussions will be documented and kept in the employee's Human Resources file, and a copy will be provided to the employee.

4. Stage 4 –Termination

- i. The employee may face employment termination if the previous steps have been followed and improvement is not evident and/or there is a further incident of misconduct and/or the performance standard not being met. However, depending upon the conduct at issue, Algonquin College reserves the right to impose discipline, up to and including termination of employment, upon first offence.
- ii. Employment termination will be made with the consultation of the area’s Senior Advisor, Labour Relations, the employee’s manager or supervisor, the area’s Vice President and College President.

RELATED POLICIES

AA35	Confidentiality of Student Records
AC02	Client Service Standards for Persons with Disabilities
AD02	Freedom of Information and Protection of Privacy
AD12	Travel, Meals, and Hospitality
AD18	Social Media Account Management
HR12	Conflict of Interest
HR15	Return to Work with Modified Workload
HR21	Staff-Student Personal Relationships
HR22	Respectful Workplace
HS03	Workplace Violence Prevention
IT01	Information Security
RE02	Integrity in Research and Scholarly Activities
SA03	Student ComplaintsHS03
SA07	Student Conduct
SA16	Sexual Assault / Sexual Violence

RELATED MATERIALS

Academic Collective Agreement

<http://www.thecouncil.ca/>

Support Staff Collective Agreement

<http://www.thecouncil.ca/>

Administrative Terms and Conditions of Employment

<http://www.algonquincollege.com/hr/labour-relations/employment-tc/>

Part-time Academic Terms and Conditions of Employment

<http://www.algonquincollege.com/hr/forms-managers-toolkit/#ptc/>

Ontario Human Rights Code, R.S.O. 1990, cH.19, as amended

<https://www.ontario.ca/laws/statute/90h19>

Ontario Occupational Health and Safety Act

<https://www.ontario.ca/laws/statute/90o01>

Freedom of Information and Protection of Privacy Act
<https://www.ontario.ca/laws/statute/90f31>