



BUSU Code of Conduct

Ratified by Board of Directors 17th December 2014



BUSU Code of Conduct

Table of Contents

Section 1: THE POLICY

- 1.1 Purpose
- 1.2 Definitions
- 1.3 Scope
- 1.4 Multiple Proceedings
- 1.5 Duties of Managers and Others
- 1.6 Expectations
- 1.7 BUSU Member Rights
- 1.8 Examples of Prohibited Conduct
- 1.9 Disciplinary Sanctions
- 1.10 Non Disciplinary Sanctions
- 1.11 Confidentiality
- 1.12 Protection from Reprisals

Section 2: PROCEDURES

- 2.1 The Parties
- 2.2 Time Limits
- 2.3 Assistance for the Parties
- 2.4 Components of the Complaint Process:
 - 2.4.1 Precipitating Event
 - 2.4.2 Complaint Procedure
 - 2.4.3 Review and Documentation
 - 2.4.4 Meetings
 - 2.4.5 Findings
 - 2.4.6 Sanctions

Section 3: Appendices

- 3.1 Code of Conduct Declaration
- 3.2 Complaint Procedure Flowcharts:
 - 3.2.1 Complaints Against Employees and Volunteers
 - 3.2.2 Complaints Against BUSAC and Executives
 - 3.2.3 Complaints Against General Manager or Board of Directors Member



1. THE POLICY

1.1 Purpose

The purpose of the Brock University Students' Union (BUSU) Code of Conduct is to:

- define the general standard of conduct expected of all BUSU members
- provide examples of conduct that may be subject to disciplinary action at BUSU;
- set out the disciplinary sanctions that may be imposed and,
- outline the disciplinary procedures that BUSU will follow.

When exercising its authority under the provision of the Code, BUSU will:

- ensure application of the principles of natural justice and fairness,
- act in good faith,
- consider the appropriateness of conflict de-escalation,
- consider restorative justice approaches with reasonable discretion.

1.2 Definitions

BUSU Members – Anyone who is employed by BUSU, elected to serve BUSU, is a member of BUSAC or volunteers with BUSU.

The Code:

BUSU's Code of Conduct.

Principles of Natural Justice:

Promote procedural fairness and ensure a fair decision is reached by an objective decision maker.

De-escalation of Conflict:

Solution oriented approach which aims to lessen the intensity of a conflict

Restorative Justice:

Places emphasis on repairing harm caused by conflict. In this approach, conflict is understood as a violation of people and relationships and seeks to promote harmony.

Prohibition:

An order which precludes former BUSU Members from participation in BUSU activities, programs and events.

Conduct Probation:

An order issued to a BUSU member containing specific terms and conditions.



Fact Finding Suspension Order:

Is not a sanction under this policy but may be imposed on a BUSU Member pending a fact finding inquiry of a complaint of a Major Violation to this Code where the safety of a BUSU Member, including the BUSU Member in question, may be at risk. The Fact Finding Suspension Order prohibits a BUSU Member from attending BUSU programs, activities and events for the duration of the order.

Short Term Suspension:

Prohibits a BUSU Member from attending BUSU programs, activities and events for a period of 1-3 business days.

Long Term Suspension:

An Order requiring a BUSU Member to withdraw from BUSU related duties or service and prohibits participation in any BUSU activities or any combination of these for a period of more than 3 business days and not less than the end of the current academic duration and may extend up to one year.

Violation Notice:

Notice that may be completed, given to a BUSU Member, and filed with the BUSU Member's Supervisor, HR Manager and General Manager in relation to any minor conduct violation that is reasonably perceived by a BUSU Member to be contrary to this Code. Violation notice does not equate to written notice unless and until multiple minor violations build towards a problematic or unchanged behavioural pattern.

Written Notice:

Formal notice issued by BUSU Member's managing this Code.

Expulsion:

An order which immediately terminates any contractual relationship with BUSU and terminates BUSU activities.

Major Violation:

Conduct which breaches the BUSU Members' express or implied obligations as set out in the Code of Conduct, and is also threatening, aggressive, harassing, violent, or harmful, or potentially harmful to property or individuals. It also includes recurring minor violations.

Minor Violation:

Conduct which breaches the BUSU Members' express or implied obligations as set out in the Code of Conduct, which is not deemed to be a major violation.



BUSU Authority:

A BUSU Executive, member of the Board of Directors, or the General Manager.

Manager:

A BUSU employee or elected official that has non-casual employees who report directly to them according to the BUSU Organizational chart.

Complainant

An individual who makes a complaint pursuant to this Code

Accused

An individual named in a complaint who is alleged to have violated this Code.

External Resource Guide:

A third party neutral who offers information, advice and guidance on complaints filed against the General Manager or a Board of Directors Member and is considered external to the Organization. The Resource Guide is a means to ensure procedural fairness and balanced decision making at the highest levels of cognizance within BUSU. This External Resource Guide will take the form of an Employment Lawyer.

1.3 Scope of Code

- 1.3.1 In the exercise of its disciplinary authority and responsibility, Brock University Students Union treats BUSU members as free to organize their own personal lives, behaviour, and associations, subject to all local, municipal, provincial, and federal laws, and the policies of BUSU, including this Code of Conduct.
- 1.3.2 The Code applies to BUSU member conduct from point of hire (be it employment, volunteer or elected service) until the person has completed their employment/service, even though the conduct may occur before or after normal work/service hours.
- 1.3.3 BUSU recognizes that many concerns can be resolved informally, without resorting to the provisions of this Code. The principles underlying this Code are educational and whenever appropriate BUSU encourages informal resolution of minor incidents. Informal procedures will include consulting with the parties involved and attempting to mediate a satisfactory resolution. The focus will be on restorative justice. The Code also provides for early intervention regarding behavior that may be of concern, without involving the formal procedures under the Code.



This Code applies to:

- 1.3.4 All conduct that occurs on BUSU property including the use of BUSU telephones, computers, and networks, including email addresses, hosted websites and social media (personal and professional).
- 1.3.5 Off campus conduct when a BUSU member is participating in an organized professional activity, attending conferences, training or teambuilding; acting as delegates, designated representatives of BUSU or as members of a BUSU group or organization at events officially sanctioned by or formally associated with BUSU.
- 1.3.6 Off campus conduct which adversely affects the rights of a BUSU member to use and enjoy BUSU's working and learning environment and facilities or conduct which could adversely affect the health and safety of a BUSU member.
- 1.3.7 Any BUSU member who engages in misconduct either directly, indirectly or as an accomplice regardless of the action or inaction of civil authorities. Nothing in this Code precludes BUSU from referring an incident to the appropriate law enforcement agency, including Campus Security Services before, during, or after disciplinary action is taken by BUSU under this Code.
- 1.3.8 All BUSU members are subject to all local, municipal, provincial, and federal laws, and/or civil proceedings notwithstanding, and in addition to, disciplinary action taken by BUSU.

1.4 Execution of this Policy

Different channels will be pursued based on who has caused the perceived breach of this code. Please see below for clarification:

- 1.4.1 When an employee or volunteer is deemed to have breached this code, a formal complaint will be made to the General Manager, HR Manager and the individual's direct Supervisor. See Flow Chart 1(embed hyperlink) for full procedure.
- 1.4.2 When a student executive or BUSAC member is considered to have breached this code, a formal complaint will be made to the General Manager and HR Manager. See Flow Chart 2 for full procedure.
- 1.4.3 When a Board of Director is deemed to have breached this code, a formal complaint will be made to the General Manager, HR Manager and President. See Flowchart 3 for full procedure.



1.4.4 When the General Manager is deemed to have breached this code, a formal complaint will be made to the HR Manager and President. See Flowchart 3 for full procedure.

Multiple Proceedings

1.4.5 Where the circumstances giving rise to the complaint are also the subject matter of another Policy (e.g., HR Policy; Student Appeals; Brock University Code of Conduct) the individual dealing with the breach will work with the General Manager or Manager who is responsible for the other Policy or Code to determine how the matter should proceed.

1.4.6 Where the subject matter of the complaint is more appropriately dealt with under another Policy or Code, discretion may be used to allow the complaint to be dealt with through alternative channels.

1.5 Duties of BUSU Staff and Members

Managers and Student Executives have a duty to:

- Act immediately on observations or allegations of breaches to this Code.

Employees and others responsible for directing the activities of BUSU members have a duty to:

- Act immediately on observations or allegations of breaches of this Code.
- Be familiar with this Code and its procedures and to inform staff and students about its existence.

1.6 Expectations of BUSU Members

BUSU commits to providing all members with:

- a safe, healthy, respectful and productive work and learning environment
- fair and equitable treatment of all BUSU members
- equal opportunities for advancement
- protection from harassment
- protection from retaliation after good faith disclosures of improper activities
- Upholding the principles of this policy and ensuring it is applied appropriately and consistently.



BUSU expects all members to:

- act with integrity at all times
- be present and productive during working hours
- operate within the law
- follow the Code of Conduct; HR Policies and Procedures and Brock University's Policies and Procedures such as the Respectful Work and Learning Environment Policy
- take personal accountability for their workplace actions
- demonstrate a sense of respect, loyalty, good faith and responsibility toward one another and BUSU
- keep organizational information confidential
- exercise sound judgment in decision making
- Report violations of the Code of Conduct and Organizational policies and practices to the appropriate person.

1.7 BUSU Member Rights

1.7.1 In common with all other individuals in Ontario, BUSU Members enjoy rights under both the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms. That enjoyment is subject to such limits contained therein. In the latter case, it should be noted that the Charter of Rights and Freedoms guarantees the rights and freedoms set out therein, but such rights are subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Such reasonable limits may include legal rights of property owners or rights of individuals to peaceful enjoyment of premises. The extent of a right or a freedom may reasonably vary with the circumstances so that an exercise of a right which may be appropriate in a public place may not be appropriate in an educational institution.

1.7.2 BUSU Members have a right to have BUSU rules and regulations, and in particular, this Code, adhered to by all Members. Members have a right to expect all other Members of BUSU and the Brock Community to meet the standard of acceptable behaviour outlined in this Code. In addition, Members may question, seek, review, or require an explanation of BUSU regulations without fear of repercussion.



- 1.7.3 BUSU Members shall have certain procedural rights as set out herein. The procedural rights include giving the Member an opportunity to respond to the allegations against him/her.

1.8 Examples of Prohibited Conduct:

Wherever possible, the principles of restorative justice should be used in determining the approach to resolving a particular situation. Sanctions may be used independently or in combination for any single offence. Repeated and/or multiple violations may increase the severity of sanctions applied. This list is not meant to be exhaustive:

1.8.1 Disruption: Disruption or obstruction, by action, threat, written material, or by any means whatsoever, of any BUSU activities, or other authorized activities on or in the facilities of BUSU; preventing any person from carrying on his or her legitimate activities, whether or not it involves speaking or associating with others.

1.8.2 Misconduct Against Persons and Dangerous Activity: Misconduct against persons includes, but is not limited to:

1.8.2.1 assault, harassment, intimidation, threats, stalking,

1.8.2.2 bullying, and coercion;

1.8.2.3 conduct that threatens or endangers the health or safety of any person;

1.8.2.4 disorderly or indecent conduct

1.8.2.5 creating a condition that endangers the health, safety or wellbeing of any person;

1.8.2.6 coercing, enticing, or inciting a person to commit an act that is humiliating or demeaning to that person or to others.

1.8.2.7 The use of information and communication technologies such as email, cell phone and text messages, instant messaging, personal websites, social networking sites and online personal polling Web sites, to support harassing or hostile behaviour by an individual or group, or that is intended or has the potential to harm others, (e.g. cyber bullying);

1.8.2.8 Any unauthorized use of electronic or other devices to make or disseminate an audio or video record of any person without his/her prior knowledge, or without his/her consent when such a recording is likely to cause injury or distress.

1.8.3 Misconduct Involving Property: Misconduct involving real or personal property of BUSU, including but not limited to the following:



- 1.8.3.1 Entry and/or presence on BUSU premises without expressed or implied authority, or contrary to an expressed instruction or direction from a Manager/Supervisor including unauthorized entry into offices, business and events;
 - 1.8.3.2 Misappropriation, damage, unauthorized possession, defacement, and/or destruction of facilities or property of BUSU or the property of others;
 - 1.8.3.3 Use of BUSU facilities, equipment, or services contrary to expressed instruction or without proper authority;
 - 1.8.3.4 Misuse of BUSU supplies and documents, including computers, equipment, keys, records and resources;
 - 1.8.3.5 Use of BUSU-owned, leased, or controlled computing equipment or facilities for purposes other than those for which the facilities have been provided or interference with the operations of such facilities;
 - 1.8.3.6 Tampering with emergency telephones, fire protection, or emergency facilities (e.g., fire alarms, extinguishers, fire hoses); disconnecting or blocking fire alarms; setting fires.
 - 1.8.3.7 Obtaining, accessing, or disclosing all or any part of the confidential personal records pertaining to a BUSU Member, or disclosing to others the content of such records, without that person's expressed consent.
 - 1.8.3.8 Using or permitting others to use BUSU property, facilities or resources to promote, engage in, or further an activity which contravenes any provision of the Criminal Code or any other local, provincial or federal statutes.
- 1.8.4 Acts of Dishonesty:** Include but are not limited to providing false information to any BUSU Member, forgery, alteration, or misuse of any BUSU document or record, or any instrument of identification.
- 1.8.4 Smoking, Alcohol and Drug Use**
- 1.8.4.1 Smoking where smoking is prohibited;
 - 1.8.4.2 Illegal use, possession, or distribution of a controlled or restricted substances;
 - 1.8.4.3 Contravention of provincial liquor laws or the policies of Brock University governing the possession, distribution, and/or consumption of alcohol on the premises of Brock;
 - 1.8.4.4 Entry upon premises of BUSU or involvement in any BUSU activity in a state of intoxication or while under the influence of any substance prohibited by the Controlled Drugs and Substances Act.



1.8.4.5 Improper use of Dangerous Objects and Substances Possession, display, use, or storage of firearms, other weapons, ammunition, and explosives, or replicas thereof, or of flammable solvents, bio-hazardous, volatile, or poisonous materials except in areas and for purposes expressly designated by authorized officials.

NOTE: This provision is in keeping with Section 10.1 of the BUSU Operating Policies and Procedures HR Manual where more information can be found.

1.8.5 Failure to Comply

1.8.5.1 Failure to comply with directions of a BUSU Member in authority or law enforcement officer acting in the performance of his/her duties and/or failure to identify oneself to such persons when requested to do so;

1.8.5.2 Failure to comply with any sanction imposed by BUSU for misconduct under this code.

1.8.6 **Abuse of Process:** use of BUSU policy or regulation for the purpose of harming another person in reputation or standing within the Brock Community.

1.9 Disciplinary Sanctions:

BUSU may impose one or more of the following sanctions where a Member has been found to have breached the Code. Penalties imposed for misconduct will be appropriate to the nature and seriousness of the offence and will consider the Member's offence history.

1.9.1 Oral Warning and/or Temporary Dismissal:

- Disruption of BUSU activities,
- May be dealt with by a BUSU authority who may issue an oral warning, or, as appropriate, order a
- Temporary suspension of the Member from the relevant area of service.

Such temporary suspension are for a period not exceeding one work day and shall be reported immediately to the Member's direct Supervisor.

1.9.2 Violation Notice

In instances where the conduct in question or its effect is minor in nature, a Violation Notice:

- may be issued in lieu of or in addition to initiating any other proceedings under this Code;
- shall be given to the individual and a copy of the Violation Notice shall be filed with the HR Manager for future reference.



- Multiple violation notices may result in a more serious sanction or result in progressive discipline being initiated where appropriate.

1.9.3 Written Warning

A written warning advising the BUSU Member that:

- it has been determined that a violation of the BUSU Code of Conduct has occurred and that the incident has been documented;
- her/his conduct (act or omission) constituted a violation in contravention of the Code; and
- further incidents may result in Code sanctions

1.9.4 Behaviour Contract

A Behavioural Contract:

- is an assigned agreement between a BUSU Member and BUSU.
- specifies conditions which must be met and adhered to by the BUSU Member to return to employment, service, or elected office in a BUSU related activity.

Failure to meet the terms of the contract may result in Conduct Probation, Suspension or Expulsion of the BUSU Member.

If an agreement cannot be reached between the BUSU Member and BUSU or if a BUSU Member refuses to sign the Behavioural Contract, Conduct Probation will automatically follow.

The Behavioural Contract or conditions of the contract may be reviewed after an appropriate period of time, as specified in the Contract.

1.9.5 Conduct Probation

Conduct Probation is an order that:

- is designed to permit the BUSU Member to attend work, events, and programming;
- is normally limited to BUSU activities; and
- may include specific terms and conditions.

A BUSU Member who is on Conduct Probation is subject to suspension or expulsion if there are any further breaches of Code, other BUSU Policies, or the Conduct Probation Order during the probationary period.



1.9.6 Restitution Order

A Restitution Order is an order requiring the BUSU Member to compensate BUSU, a fellow BUSU Member, or any other affected party for loss or damage to property.

NOTE: Section 7 of the Operating Policies and Procedures in the HR Manual specifies the procedure for BUSU Employees.

1.10 Non-Disciplinary Sanctions

Fact Finding Suspension Order

The investigating group or individual may place a Fact Finding Suspension Order on a BUSU Member pending an investigation of a complaint of Major Misconduct. During a period of an Investigative Suspension Order, a BUSU Member may be restricted from attending BUSU events, activities, and programs or may be denied physical access to specified BUSU facilities, or may be denied other privileges for which the BUSU Member might otherwise be eligible. Electronic access to BUSU online services may be discontinued during this period.

A **Fact Finding Suspension Order** may be imposed where:

- it is reasonably necessary to ensure the safety and/or well-being of BUSU Members or to ensure the preservation of property; or
- it is reasonably necessary to ensure the BUSU Member's physical or emotional safety and/or well-being; or
- there are reasonable grounds to suspect that the BUSU Member poses a threat of, disruption and/or interference with the normal operations of BUSU.

At the conclusion of the Fact Finding Suspension Order the duration of the Suspension may be applied to reduce the duration of any disciplinary suspension related to the incident.

1.11 Confidentiality

Confidentiality with respect to complaints will be maintained to the greatest extent possible, having regard to the circumstances giving rise to the complaint and subject to BUSU's obligation to conduct a thorough investigation and subject to the requirements of the law.

Parties and witnesses are expected to keep information discussed confidential (aside from discussing the information with her/his personal advisor and close family members/partner). Unwarranted breaches of confidentiality will result in disciplinary action or sanctions.

Confidentiality with respect to the findings and the sanction will be maintained, except to the extent necessary to implement and/or defend, or as required by law.



1.12 Protection from Reprisals

In order to protect individuals who make use of this Policy, BUSU prohibits reprisal or threat of reprisal against these individuals. Individuals who violate these provisions shall be subject to discipline or other corrective action.



2. PROCEDURES

2.1 The Parties

The parties to a Complaint are:

- i) The Complainant: an individual who makes a complaint pursuant to this Code, and
- ii) The Accused: an individual named in a complaint who is alleged to have violated this Code.

2.2 Time Limits

Complaints should be made as soon as possible but within 20 business days after the circumstances giving rise to the complaint. In extenuating circumstances, a complaint filed beyond the 20 business day limitation may be considered. All other time limits prescribed in this procedure may be extended with the agreement in writing of the parties or by the CCA where reasonable circumstances exist for extending the time limits. In these circumstances, the parties will be advised of the reasons and notified of the duration of the extension.

2.3 Assistance for the Parties

Individuals involved in the complaint process at any stage, while not required, may seek assistance/support from and/or be accompanied by another person of her/his choice (e.g., a trusted co-worker or Ombudsperson).

2.3.2 The role of the support person is to act as a resource and provide support/advice to the party. The support person will not be permitted to speak or advocate on behalf of the party. In the event that a party chooses to retain legal counsel, or another paid advisor, as her/his support person, the party shall be solely responsible for the cost incurred.

2.3.3. When the General Manager or a Board Member is deemed to have violated this Code, an External Resource guide (Employment Lawyer) may be consulted.

2.3.4 Where appropriate, information regarding counselling services will be provided.

2.4 Components of the Complaint Process

The following process will apply to complaints made pursuant to this Code. Where the Complainant so desires, a complaint may be withdrawn at any time during the process described below. Where circumstances warrant, BUSU may continue to act on an issue arising in a complaint even when it has been formally withdrawn.



2.4.1 Precipitating Event

When a BUSU Member breaches or is suspected of breaching the Code, the BUSU Member who observes, suspects, or has a report of the breach shall take appropriate action to inform the correct person or body (See Flowcharts).

2.4.2 Complaint Procedure

Where appropriate, informal resolution of the complaint is encouraged (e.g., speaking directly with all parties, considering the pros and cons of mediation, working cooperatively towards behavioural goals to improve the professional relationship). Where informal resolution is not appropriate or does not resolve the matter, the outlined procedures in the below Flowcharts will be initiated depending on how the accused stands in the organization.

2.4.3 Review and Documentation

- When conducting the review, the complainant, any witnesses, and the accused will be interviewed by the General Manager, HR Manager and Supervisor or appointed representative(s) from the BoD or ERC if necessary.
- A report will be completed setting out the findings of the reviewed complaint as soon as possible. In the event of alleged Major Misconduct, the individuals conducting the review may impose a Fact Finding Suspension Order in accordance with the Code of Conduct. The Fact Finding Suspension Order will remain in place until it is appropriate for it to be removed.
- Where the breach has the potential to have legal ramifications, the Chair of the BoD or GM may seek independent legal advice from BUSU's counsel.

2.4.4 Meeting

- The reviewers will advise the accused BUSU Member, within 5 business days of receiving the Investigative Report, of the allegations against him or her in writing and provide the accused BUSU member with an opportunity to respond to the allegations either as a written submission or at a meeting. If the accused BUSU Member does not provide a written submission in response to the allegations or does not meet with the investigator after having been given a reasonable opportunity to do so, the complaint proceeds without such a response or meeting. If the accused BUSU Member raises new facts or other issues that may be relevant to the resolution of the matter, further review may be undertaken.



- The reviewers are under no obligation to issue a decision until any newly raised fact or other issue has been investigated and resolved.

2.4.5 Findings

In determining if there has been a violation of the Code, the decision will be based on a balance of probabilities, meaning the evidence shows it is more likely than not the alleged violation occurred.

2.4.5.1 Sanction

- Where there has been a finding that the Accused BUSU Member's conduct violated the Code, sanctions may be imposed, having regard to all the **relevant circumstances** including, but not limited to:
 - a) the seriousness of the offence,
 - b) the impact of the misconduct on BUSU, the Brock Community or any individual specifically affected by the misconduct,
 - c) prior violations of the Code or other BUSU Policies, and
 - d) the impact of the penalty on the student's education.
- While considering possible sanctions, all appropriate resources and relevant stakeholders should be consulted (in confidence) in determining the appropriate sanction(s).
- The decision with brief reasons for the decision shall be communicated in writing to the accused BUSU Member, the complainant, the accused's direct supervisor and a copy provided to the General Manager, HR Manager and the BUSU Board of Directors.
- The proposed sanctions will be executed by the General Manager in the case of an elected official, a supervisor in the case of an employee or volunteer and the Speaker in the case of a BUSAC councillor.



Appendix

Code of Conduct Declaration

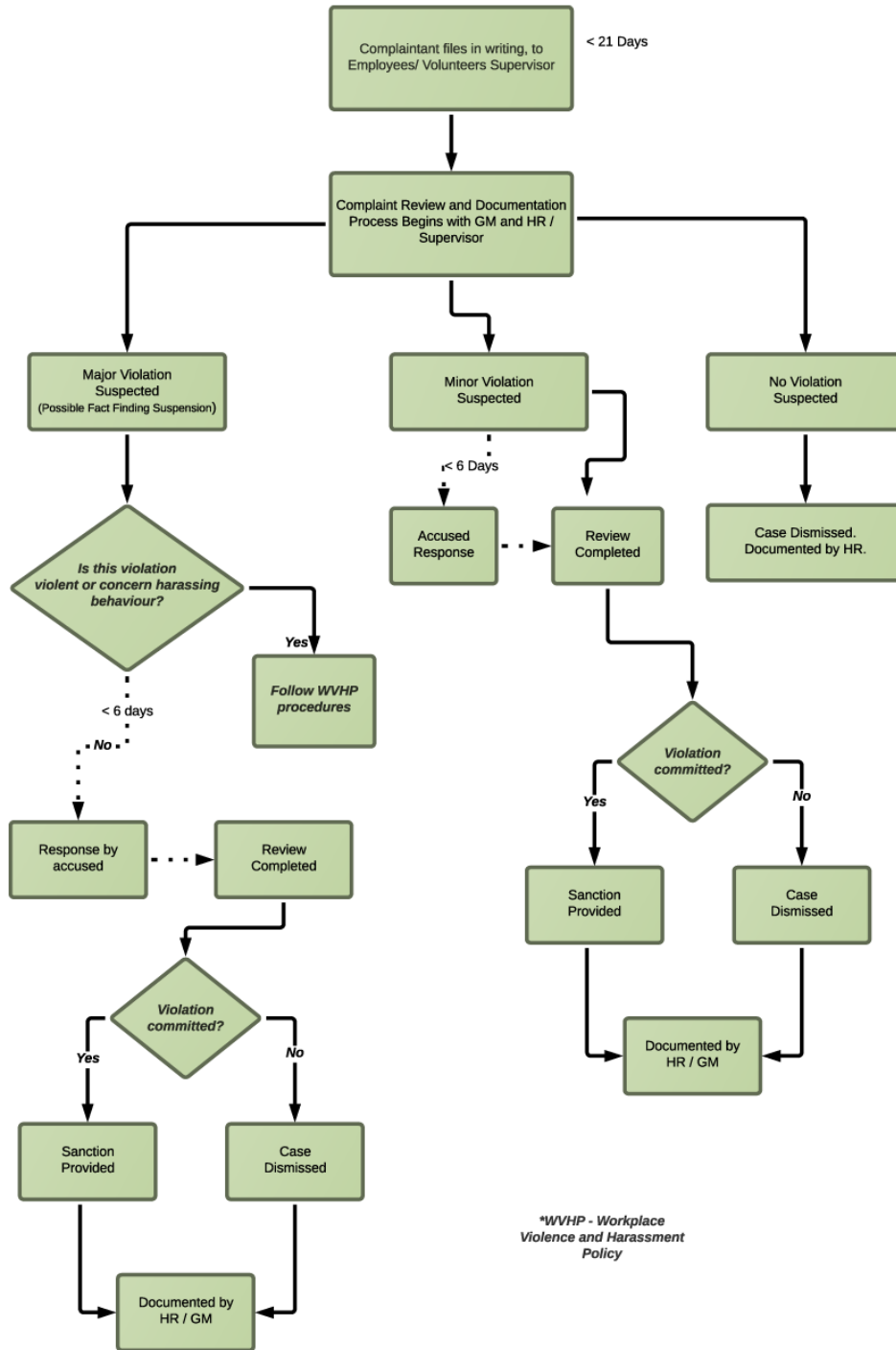
I, (Employee/Volunteer), have read, understand and agree to abide by the BUSU Code of Conduct and I understand that such adherence is a condition of my employment, volunteer work or term of service. I understand that a violation of the Code of Conduct may be grounds for termination as a volunteer or in the case of an employee immediate dismissal for just cause without notice or pay in lieu of notice.

Signed this _____ day of _____, 20_____.

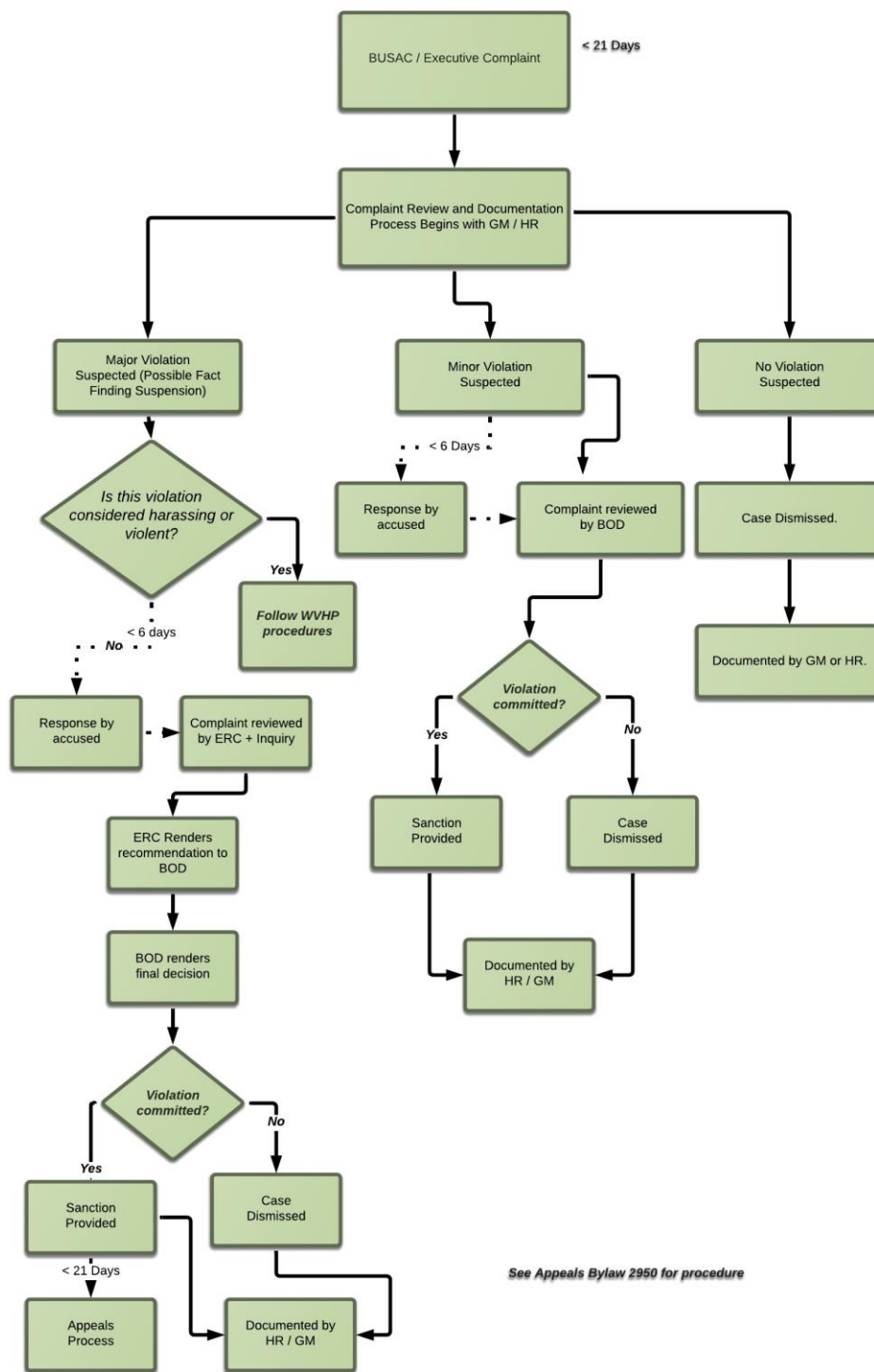
(Volunteer/Employee Signature)

Supervisor or HR Manager or GM's Signature

Flowchart 1: Complaints against Employees or Volunteers



Flowchart 2: Complaints against Executives or BUSAC





Flowchart 3: Complaints against General Manager or Board of Director

