



CONFLICT OF INTEREST – BREACH OF TRUST: #2-13
Close Personal Relationships

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PREAMBLE – CONFLICT OF INTEREST AS A RESULT OF CLOSE PERSONAL RELATIONSHIPS BETWEEN EMPLOYEES AND OTHERS ASSOCIATED WITH NORTH ISLAND COLLEGE

All employees occupy positions of trust. Employees are expected to avoid actual or perceived conflict of interest in their dealings with students, other employees or members of the Board of Governors, or others in a position of influence or authority.

This policy does not aim to prohibit close personal relationships or consensual sexual relationships between members of the College community. The policy seeks to inform, advise and alleviate the serious problems arising from actual or perceived conflict of interest, breaches of trust or abuse of trust or power. These may arise from close personal relationships or consensual sexual relationships. In every case, there is a potential to damage the professional standards, the working and learning environment, and the reputation of North Island College.

This policy covers actual or perceived conflict of interest or breach of trust that occurs as a result of a close personal or a consensual sexual relationship between an employee and another employee, student or member of the Board of Governors.

POLICY

CLOSE PERSONAL RELATIONSHIPS BETWEEN EMPLOYEES

1. When an employee is involved in a close personal relationship with another employee, the employees shall inform their immediate exempt Administrator in writing. This is especially important when there is a responsibility or direct influence in terms of supervision, direction or evaluation.

2. **Following the disclosure of the relationship, employees in a close personal relationship must take steps to eliminate any current or potential conflict of interest and distance themselves from decisions regarding supervision, promotion or evaluation that might involve the other person.**
3. **Exempt Administrators are responsible for reviewing and advising employees of the most appropriate action(s) in each instance.**
4. **Employees who fail to disclose a close personal relationship or consensual sexual relationship will face disciplinary action.**

PREAMBLE – CLOSE PERSONAL RELATIONSHIPS BETWEEN AN EMPLOYEE AND A STUDENT

Employees of North Island College work collaboratively to provide a working and learning environment that ensures fairness and equity for employees, students and provides equitable access for all residents of the College region. All employees occupy positions of trust and have various levels of influence in regard to supporting the learning environment for students.

The nature of the educational process, and the role of an educator in that process, often requires a close relationship with a student, but this relationship must be formed with the sole intent of developing an authentic social relationship to assist and support learning.

By the nature of the position of faculty, there is a natural imbalance of power between a faculty member and a student. An educator is entrusted with advising and guiding students, subjectively judging their work, recommending awards and recommending students to other educational institutions. These conditions demand that educators act with the highest ethical considerations when engaged in social relationships with students. It is inappropriate for educators to engage in close personal relationships or consensual sexual relationships with students.

Employees, and in particular faculty, should be aware that the initial consent to a close personal relationship or consensual sexual relationship with a student, or disclosure of the nature of the relationship does not preclude a complaint of sexual harassment or breach of trust in the future. Consent is extremely difficult to prove if a relationship leads to charges of sexual harassment. In an investigation, the power differential between an employee who is a faculty member, Administrator or a support staff may be closely scrutinized.

Employees, and in particular faculty, are required to observe the following policy and to seek advice in the event that a close personal relationship or consensual sexual relationship occurs with a student.

POLICY

CLOSE PERSONAL RELATIONSHIP BETWEEN AN EMPLOYEE AND A STUDENT

- 1. Any employee who is involved in a close personal relationship with a student shall declare the relationship to their immediate exempt administrator.**
- 2. The administrator shall review the matter and advise the employee on the most appropriate action that may include the following:**
 - An employee may be required to withdraw from any educational responsibility for the student; and**
 - The Administrator, in conjunction with a Department Chair, may make alternative educational arrangements for the student.**
- 3. An employee who fails to disclose a close personal relationship with a student will face disciplinary action.**

GUIDELINES FOR FACULTY – SEXUAL RELATIONS AND STUDENT RELATIONS - COLLEGE AND INSTITUTES' EDUCATORS ASSOCIATION

The following guidelines regarding Faculty and Student Relations were provided by the College and Institutes' Educators Association and have been endorsed by the North Island College Faculty Association:

1. A faculty member shall not exploit his or her professional relationship with a student or students for the faculty member's private advantage, whether personal or professional.
2. A faculty member shall not initiate or permit the initiation of a sexual liaison with a student while they are in a student/faculty relationship or where it is reasonable to assume that they may in the immediate future be in a student/faculty relationship.
3. A faculty member's conduct towards a student shall be fair and objective.
4. A faculty member shall encourage the free exchange of ideas between himself or herself and a student and respects the right of a student to express his or her own ideas and opinions without fear of reprisal.
5. A faculty member maintains the confidentiality of all information gained about a student during the faculty member's performance of his or her faculty duties, except where otherwise required by law or by normal College procedures. Where the faculty member in his or her professional judgment believes divulging such information would be in the best interests of the student, a faculty member is advised to contact their Department Chair or the College's Registrar. Confidential information includes, but is

not limited to, information about a student's academic performance, personal life, and political or religious views.

EXAMPLES OF CONFLICT OF INTEREST AND/OR BREACH OF TRUST – FACULTY AND STUDENT RELATIONS

It is not possible to document every instance in which a conflict of interest or breach of trust may occur and this policy recognizes the unique role that North Island College plays in providing educational services in small communities. This policy does not prohibit the registration of a faculty member's friends or relatives in the class of the faculty member and recognizes that this is an issue of access to education in many of the College's locations.

The following situations are examples of instances where actual or potential conflict of interest may arise. In all instances, the best practice for faculty, Administrators and staff is to disclose the conflict of interest or potential for conflict of interest to their Department Chair, Supervisor and exempt Administrator. If the employee is in a conflict of interest or a potential conflict of interest, the employee will be provided with advice that may include removing the employee from the situation, removing the student from the situation, or providing closer supervision for the student.

Potential Breach of Trust

- Students complain that another student is gaining unfair advantage due to a close personal relationship or consensual sexual relationship with an employee and, in particular, a faculty member;
- A faculty member has a consensual sexual relationship or relationships with a student in his or her class; and
- A faculty member is instructing a student where there has been a previous sexual relationship and the termination of the relationship resulted in one party bearing animosity or affection towards the other and there is an obvious affect on the learning environment.

Potential Conflict of Interest

- A faculty member is responsible for admitting students to a course and admits a friend or relative ahead of other students on a waiting list; and
- A faculty member instructs a course and assesses the work of a member of his or her family, or the student is a friend or an associate of the faculty member and the faculty member does not disclose the relationship or make appropriate arrangements that avoid a conflict of interest or a perceived conflict of interest.

Consensual Sexual Relations

The relationships between faculty and students has been described as having a fundamental power differential and serious and legal questions have arisen as to whether consent on the

part of the student can be “freely given” in regard to consensual sexual relations. If a charge of sexual harassment or breach of trust is alleged, consent to sexual relations has been found to be “extremely difficult” for faculty to prove.

The following examples describe situations where consensual sexual relations might give rise to a potential conflict of interest leading to a decision that a breach of trust has occurred:

- When the relationship is or is perceived to be exploitive; or
- When it affects the learning environment for the student concerned; or
- When it affects the learning environment for other students; or
- When it affects the working environment for other employees.

The above list is not exhaustive but is indicative of the complexity of consensual sexual relations between employees and students.

POLICY

CLOSE PERSONAL RELATIONSHIP OR CONSENSUAL SEXUAL RELATIONSHIP BETWEEN AN EMPLOYEE AND A MEMBER OF THE BOARD OF GOVERNORS

- 1. When an employee is involved in a close personal relationship or consensual sexual relationship with a member of the Board of Governors, the employee shall disclose the relationship, in writing, to their exempt Administrator. This is especially important when there is a potential for influence.**
- 2. Following the disclosure of the relationship, the employee and their Administrator shall take steps to eliminate any actual or potential conflict of interest and distance themselves from decisions or issues specific to their area of influence.**
- 3. When an issue has implications for union-management relations, the employee is advised to discuss the actual or potential conflict of interest with their respective Union’s shop steward, Union President, or the Director, Human Resources.**
- 4. Exempt Administrators shall review and advise employees on the most appropriate action(s).**
- 5. Employees who fail to declare a close personal relationship with a member of the Board of Governors will face disciplinary action.**

Cross Reference:

See also Freedom of Information and Protection of Privacy Policy #1-01

See also Human Rights – Harassment and Sexual Harassment Policy #2-08 including sexual harassment may apply where the misconduct or inappropriate behaviour is alleged sexual or personal harassment.

See also Protection of Employees from Violence in the Workplace Policy #2-10

See also Emergency Response to Inappropriate, Disruptive or Threatening Behaviour Policy #2-11

See also Progressive Discipline: Misconduct or Inappropriate Behaviour Policy #2-12

See also Crisis Communications Policy #5-01

The *College and Institute Act*

The Board of Governors' Executive Limitations

North Island College and North Island College Faculty Association Collective Agreement and the Common Agreement.

North Island College and CUPE, Local 3479 Collective Agreement

North Island College Administrators' Policies