

SECTION "A"

ETHICS, CONFLICTS OF INTEREST, "WHISTLEBLOWER" AND PRIVACY POLICIES

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Contents

PART 1 – ETHICS.....	4
1. Definition	4
a) <i>Communicating</i>	4
b) <i>Acting with integrity</i>	4
c) <i>Being professional</i>	5
d) <i>Loving and respecting others</i>	5
2. “Open Door” Policy	5
PART 2 - CONFLICTS OF INTEREST	6
1. General Policy	6
2. Definition of "conflict of interest"	6
3. Reason for the Policy.....	6
4. Process	7
5. Areas in Which Conflicts May Arise.....	8
6. Application of the Policy	8
7. Interpretation of the Policy	9
8. Penalties.....	9
1. <i>First instance</i>	9
2. <i>Repeated instances</i>	9
PART 3 - "WHISTLEBLOWERS"	9
1. Reporting Responsibility	10
2. No Retaliation	10
3. Reporting Violations.....	10
4. Compliance Officer.....	11
5. Penalties for Not Acting in Good Faith	11
6. Confidentiality.....	12
7. Handling of Reported Violations	12
PART 4 – PRIVACY	12
1. Accountability	12
2. Identifying Purposes.....	13
3. Consent	13
4. Limiting Collection, Use, Disclosure and Retention	13

5. Accuracy.....	14
6. Safeguards.....	14
7. Openness	14
8. Access to Personal Information.....	14
9. Challenging Compliance	14

PART 1 – ETHICS

NOTE

Although “legality” is an important concept, it is even more important that we understand that Bethel is to be governed by a higher standard. Whether any given activity or issue is “legal” or not is subject to society’s whims. However, we follow God’s commandments, which stem from His very nature and therefore, are unchanging.

Thus, the main question to be answered in all cases shall always be, not “CAN we do this?”, but “CAN we do this AND OUGHT we do this?”

1. Definition

The mission of Bethel Church is to "make disciples who love God passionately and serve others significantly."

In view of this, it is the policy of Bethel Church that its **employees, leaders and volunteers** uphold the highest standards of ethical and professional behaviour, and that they dedicate themselves to carrying out the above mission in four main areas, by:

a) *Communicating*

- Keeping the Bethel community informed about the issues which affect it

b) *Acting with integrity*

- Acting in such a manner as to uphold and enhance personal and professional honour and integrity, and the dignity of the church
- Building professional reputations on the merit of services provided, and refraining from competing unfairly with others
- Recognizing that the chief function of Bethel Church, at all times, is to serve the community within and without to the glory of God
- Demonstrating the highest standards of personal integrity, truthfulness, honesty, and fortitude in all activities, in order to inspire confidence and trust in those activities
- Avoiding any interest or activity that is in conflict with the conduct of their official duties, in accordance with the Conflict of Interest Policy listed at Part II of this document
- Respecting and protecting privileged information to which they have access in the course of their official duties

c) *Being professional*

- Accepting as a personal duty the responsibility to keep up-to-date on emerging issues affecting the church and their ministry, and conducting themselves with professional competence, fairness, impartiality, efficiency, and effectiveness
- Respecting and submitting to the structure and responsibilities of the Elders' and Deacons' boards, and providing them with facts and advice as a basis for their policy decisions, and upholding and implementing such policies as may be adopted by the boards
- Conducting organizational and operational duties with positive leadership exemplified by teamwork, excellence, authenticity, relevance and solidarity
- Exercising whatever discretionary authority they have under the law to carry out the mission of the organization
- Collaborating with and supporting fellow workers in carrying out Bethel's mission
- Striving for personal and professional excellence and encouraging the professional development of others
- Resolving conflict as Jesus would have us do in Matthew 18

d) *Loving and respecting others*

- Holding paramount the safety, health and welfare of the public in the performance of professional duties
- Treating with respect and consideration all persons, regardless of race, religion, gender, sexual orientation, maternity, marital or family status, disability, age or national origin

2. “Open Door” Policy

In addition, and in keeping with our value of “Authenticity” and our strategy of “Growing in Intimacy with Others”, Bethel Church operates with an ‘open door’ policy, meaning that all employees, leaders, volunteers and others shall always be able to meet with staff within a reasonable time period. Employees and others may freely share their questions, concerns, suggestions or complaints with someone who can address them properly.

Ordinarily, that person would be the employee’s or volunteer’s supervisor. However, if the employee/volunteer is not comfortable meeting with their supervisor for any reason, another person may be approached. Obviously, we would hope and trust that any other such person would be someone *who is in a position to help*.

Furthermore, Bethel Church undertakes to protect those who report breaches of ethics according to the Whistleblower Policy listed at Part III of this document.

PART 2 - CONFLICTS OF INTEREST

1. General Policy

*No leader, employee or volunteer of Bethel Church
shall have an inappropriate conflict of interest
when conducting business on behalf of the Church.*

Note: a conflict of interest will be considered to be "inappropriate" where such a situation would, in the opinion of the Elders' or Deacons' Boards, influence (or have the appearance of influencing) the conduct or judgment of any employee, leader or volunteer of Bethel Church. It must also be noted that the fact that a conflict exists *does not necessarily mean that the conflict is objectionable, or material enough to be of practical importance*, or that it is necessarily adverse to the interests of Bethel Church or its charitable purposes. However, it is the policy of the boards that the existence of any conflict must be disclosed before any transaction or action is carried out.

2. Definition of "conflict of interest"

A conflict of interest arises in a transaction (or significant relationship) between Bethel Church's employees, leaders and volunteers where that person, not dealing "at arm's length"¹ with another employee, leader or volunteer...

... realizes a direct or indirect gain of a commercial nature, AND/OR
... receives money or property having a value in excess of \$250, AND/OR
... receives a direct or indirect significant advantage or privilege,
in connection with any such transaction or significant relationship.

3. Reason for the Policy

Bethel Church, as a ministry initiated and sustained by God, has a mandate to conduct all of its affairs decently and without reproach, both in the sight of God and man. Such a mandate includes a commitment to operate with the highest level of integrity and to avoid conflicts of interest which, either directly or indirectly, result in material personal advantage or privilege.²

¹ Persons who are not considered to deal at arm's length with each other include an individual and:

- (a) related persons (as defined in the *Income Tax Act*, subsection 251(2))
- (b) an estate or trust (whether incorporated or not) of which the director, officer, employee, volunteer or a family member of any of them is a beneficiary, personal representative, or trustee.
- (c) a business or not-for-profit entity of which the individual or related person is an officer, director or employee, or a business in which the director, officer, employee or volunteer has a significant interests.
- (d) a law firm, accounting firm, or other professional entity of which the individual or related person is a partner or employee.

² As a registered charitable organization, Bethel Church depends for its continued existence on charitable contributions from the public. Maintenance of Bethel Church as a charity under trust law and registration with CRA

4. Process

Every Elders' Board, Deacons' Board or Congregational meeting shall begin with an opportunity for leaders, employees and volunteers to declare potential conflicts of interest with any items that are on the agenda.

It is also the continuing responsibility of all leaders, employees, and volunteers to scrutinize their transactions and outside business interests and relationships for potential conflicts of interest and to immediately disclose such conflicts to the appropriate person (the respective Chair (if a member of either the Elders' or Deacons' Boards) or the Chair of the Deacons' Board for all other business matters).

Once disclosed, the Chair shall bring these matters to a meeting of the appropriate board which will then determine...

- ➔ whether a conflict actually exists, and
 - ➔ whether it is material, (and where, in the opinion of the board, such a material conflict does exist)
 - ➔ whether the contemplated transaction may be authorized anyway as being just, fair and reasonable having regard to the fiduciary and trustee-like duties of Bethel Church, and its leadership.

The primary concern must always be the welfare and reputation of Bethel Church and the advancement of its charitable purposes. Even if a staff member, leader, or volunteer is merely invited to enter into a transaction which may be a conflict, but refuses, the individual involved should notify the appropriate person of the offer as a point of information but the board need not be advised.

under the Income Tax Act is important both for its continued financial stability and for the receipt of contributions and public support. CRA and provincial regulators view the operations of Bethel Church as a public trust which must devote all of its resources for exclusively charitable purposes of benefit to the public. Therefore, Bethel Church is accountable to both governmental authorities and the public at large. Bethel Church's leadership has a fiduciary and trustee-like duty which carries with it a broad and unbending duty of honesty, loyalty, care, diligence, skill, and prudence. Since the boards delegate the carrying out of the policies and affairs of Bethel Church to its employees, leaders and volunteers, the boards also require them to respect the legal duties imposed on them. Employees, leaders and volunteers have the duty and responsibility to administer the affairs of Bethel Church in accordance with the governing documents and trust law, and to exercise their respective tasks in furthering the objects of Bethel Church for the sole benefit of its public purposes. Employees, leaders and volunteers of Bethel Church must exercise good faith in all their transactions and not use their position, or knowledge gained from their position, for any personal advantage or privilege. The phrase "advantage or privilege" received or given because of a conflict of interest has a commercial meaning in this policy, signifying consideration resulting from covert or overt bartering. There should never be a question of, *or even an appearance of*, an advantage or privilege being received or given without the individual concerned fully disclosing the facts that could give rise to a question of real or perceived conflict to the person designated by the board under this policy.

If a church leader, employee, or volunteer has any doubt, or has questions of interpretation, the Church Administrator (and the Deacons' Board) should be consulted.

5. Areas in Which Conflicts May Arise

Areas of potential conflict areas may include, but are not limited to:

- the acquisition or supply of goods or services, AND/OR
- the acquisition or granting of property and equipment leases or work contracts, AND/OR
- the investments made by Bethel Church, AND/OR
- dealings with donors, AND/OR
- dealings with any other individuals, agencies, organizations, companies, governments or associations that affect the purpose or operation of Bethel Church

6. Application of the Policy

Examples of potential conflicts of interest are where the leader, employee or volunteer or a person who does not deal at arm's length with a director, officer, employee or volunteer:

- has a significant interest³ in any business which deals with Bethel Church or an Affiliate⁴
- is engaged in a professional practice which provides services to Bethel Church or an Affiliate organization
- is a director or an employee of Bethel Church while serving on the board or holding an office in any entity that has dealings with Bethel Church or an Affiliate
- provides goods or services to Bethel Church or an Affiliate for consideration, while serving as a director, officer, employee or volunteer of Bethel Church or an Affiliate
- receives any compensation, whether cash, goods or services, from any business, charity or individual where such compensation is provided as a direct or indirect result of a relationship established through Bethel Church or an Affiliate
- uses Bethel Church's or an Affiliate's personnel, equipment, supplies, name, publications, or other resources for non-Bethel Church purposes outside of established policy
- receives personal gifts or loans, having greater than \$250 value, from any third parties having dealings with Bethel Church or an Affiliate given as a direct or indirect result of the Bethel Church relationship
- has an interest in real estate, securities or other property that Bethel Church or an Affiliate has an interest in buying or leasing

³A "significant interest" for the purpose of this policy means either direct or indirect control of more than 10% of the business.

⁴An "Affiliate" is any other entity over which Bethel Church may exercise direction or control by means of being able to appoint 20% or more of the board members or trustees, or by means of controlling 30% or more of the decision making vote of the entity.

- using employee work time during normal business hours for non-charity purposes without the prior permission of the employee's immediate supervisor.

7. Interpretation of the Policy

The examples in the section above are not exhaustive. There will be other areas and situations that could also be considered a conflict of interest. The examples are based on the basic principles stated above. It is assumed that the employees, leaders and volunteers will use these principles and recognize a conflict of interest when it arises.

It is the continuing responsibility of all employees, leaders and volunteers to scrutinize their transactions and outside business interests and relationships for potential conflicts of interest and to immediately make such disclosures to the Chair (if a board member) or to the Deacons' board for all others.

8. Penalties

1. First instance

Should it be found that a conflict of interest was **known but knowingly not declared** by any person before a transaction went ahead, that person:

- may receive an official written warning/reprimand in their file, signed by the Chair of the Deacons' board and the person's immediate supervisor AND/OR
- may be put on probation for a period of three months AND/OR
- may be removed from any role involving financial transactions at Bethel Church until he or she demonstrates a clear understanding of the Conflict of Interest Policy

2. Repeated instances

Repeated violations of this Policy by an employee, leader or volunteer, **may constitute grounds for dismissal with cause (for employees) or removal from their ministry position (for leaders and volunteers) at the exclusive discretion of the boards**, particularly if the person has failed to disclose relevant information in a timely manner after having already been warned/disciplined. All disclosure should be made at the earliest date possible and should be in writing.

PART 3 - "WHISTLEBLOWERS"

The Ethics Policy in Part I requires leaders and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of Bethel Church, we must practice honesty and integrity in fulfilling our responsibilities and ensure that we comply with all applicable laws and regulations.

1. Reporting Responsibility

It is the responsibility of all leaders, volunteers and employees to comply with the Ethics Policy and to report any violations or suspected violations in accordance with this Whistleblower Policy.

2. No Retaliation

This policy is simple and has two aspects:

- No employee, volunteer or leader who, *in good faith*, reports a violation of the Ethics Policy shall suffer harassment, retaliation or adverse employment/volunteer assignment consequences,

AND/OR

- Any employee, leader or volunteer who retaliates against someone who has reported a violation *in good faith* is subject to discipline up to and including termination of employment with cause or removal from their volunteer position.

This Whistleblower Policy is intended to encourage and enable employees, leaders and volunteers to safely raise serious concerns within Bethel Church prior to seeking resolution outside Bethel Church, as stated both by Paul to the church at Corinth (1 Cor. 6:5-6), and by Jesus (Matt.18):

“I say this to shame you. Is it possible that there is nobody among you wise enough to judge a dispute between believers? But instead, one brother takes another to court—and this in front of unbelievers!”

“If your brother or sister sins, go and point out their fault, just between the two of you. If they listen to you, you have won them over. But if they will not listen, take one or two others along, so that ‘every matter may be established by the testimony of two or three witnesses.’ If they still refuse to listen, tell it to the church; and if they refuse to listen even to the church, treat them as you would a pagan or a tax collector.”

3. Reporting Violations

The Ethics Policy addresses the Church’s open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern.

However, if you are not comfortable speaking with your supervisor or you are not satisfied with

your supervisor's response, you are encouraged to speak with anyone in leadership whom you are comfortable in approaching.

Furthermore, supervisors and managers are required to report suspected violations of the Ethics Policy to the Church's Compliance Officer (defined and described below), who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when you are not satisfied or uncomfortable with following the Church's open door policy, you should contact the Church's Compliance Officer directly.

4. Compliance Officer

At Bethel Church, the Compliance Officer is the head of the Elders' Board, although he may delegate investigative authority to any elder.

The current Compliance Officer is:

Name:	Steve Dickey
Phone (H):	613-384-2829
Phone (W):	613-546-4291 x 2370
E-Mail:	sdickey@cogeco.ca
Term:	01 Jul 12 - 01 Jul 13

The Church's Compliance Officer is responsible for

- investigating and resolving all reported complaints and allegations concerning violations of the Ethics Policy (or delegating that responsibility, as needed) and,
- at the Officer's discretion, shall advise the Elders' Board on an annual basis (on or before the last Elders' meeting in June of each year) on compliance activity.

5. Penalties for Not Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of the Ethics Policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Ethics Policy.

Any allegations that proves not to be substantiated and which is shown to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offence which shall be dealt with as follows.

Should it be found that an ethics violation complaint was filed in bad faith by any person, be they employee or volunteer, that person:

- may receive an official written warning/reprimand in their file, signed by the Chair of the Deacons' board and the person's immediate supervisor AND/OR
- may be put on probation for a period of three months.

In the case of repeated bad-faith complaints by an employee, leader or volunteer, **there may constitute grounds for dismissal with cause (for employees) or removal (for leaders and volunteers) at the exclusive discretion of the boards.**

6. Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

7. Handling of Reported Violations

- The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days.
- All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

PART 4 – PRIVACY

In accordance with applicable laws, Bethel Church (the "Church") is committed to protecting the privacy of its members, adherents, donors, volunteers, and employees and any other persons about or from whom the Church collects personal information. The Church embraces the principles of the Canadian Standards Association Model Code for the Protection of Personal Information to ensure that all personal information is properly collected, used only for the purposes for which it is collected and is disposed of in a safe and timely manner when no longer required.

1. Accountability

The Church is responsible for maintaining and protecting the personal information under its control. The Church Administrator has been appointed the Privacy Officer who is responsible to ensure that the Church complies with its privacy obligations in accordance with applicable privacy laws.

The current Privacy Officer is:

Name:	Carmen Gauvin-O'Donnell
Phone (H):	613-547-8015
Phone (W):	613-542-2990
E-Mail:	betheladmin@cogeco.ca
Term:	While employed as Church Administrator

2. Identifying Purposes

The Church collects and uses personal information for a variety of purposes including (but not limited to):

- providing services to individuals ministered to by the Church
- establishing and maintaining members lists
- managing payroll and benefits
- employee performance evaluations
- establishing and maintaining lists of donors

The Church shall identify and explain the purposes for which it collects personal information to the person from whom the personal information is being collected, before or at the time the information is collected.

3. Consent

Consent will be obtained from the person whose personal information is collected, used and disclosed, unless obtaining the consent would be inappropriate or not required by law.

Sometimes the person's consent may be implied by virtue of their membership in the Church or because of the person's conduct within the Church. When it is appropriate, written consent will be obtained.

Written consents will be kept on file for as long as the information is reasonably necessary. A person may withdraw his or her consent at any time, subject to legal or contractual restrictions and reasonable notice. The person will be informed of reasonably foreseeable implications of the withdrawal.

4. Limiting Collection, Use, Disclosure and Retention

The Church is committed to collecting personal information in a fair, open and lawful manner. Information collected *will be limited to that required for the purpose or purposes identified by the Church.*

Personal information shall not be used or disclosed for purposes other than those for which it was collected, *except with the consent of the person or as required by law.* All collected personal information shall be destroyed, erased or made anonymous as soon as the purpose for which it was collected is no longer relevant, or as permitted by the law.

Nothing in this Privacy Policy prevents the elders or pastoral staff from collecting, retaining and using information related to individuals ministered to by the Church, since such information assists in providing quality services to those to whom we minister.

5. Accuracy

Personal information shall be maintained in as accurate, complete and up-to-date a form as necessary in order to fulfill the purposes for which it was collected. Naturally, the person who has provided the information is also responsible for ensuring that any updated information is provided to the church.

6. Safeguards

Personal information will be protected by security safeguards that are appropriate to the sensitivity of the personal information. This safeguarding could include

- physical measures such as locked filing cabinets and premises security,
- organizational measures such as restricted access to files with personal information, or
- technological measures such as security software.

7. Openness

Information regarding the privacy policy of the Church, as well as the personal information management, shall be available as requested. The information will include:

- Name and address of the Privacy Officer
- Means of gaining access to personal information held by the Church
- Copy of any brochures or other information that explains the Church's policies, standards or codes

8. Access to Personal Information

Access to personal information will be granted:

- where the Church is legally required to release the information AND
- provided that the disclosure does not violate any applicable statutes or contracts with the person to whom the information pertains AND
- where there is an appropriate written request

The existence, use and disclosure of the personal information will be granted within a reasonable period of time. Any inaccuracy or incompleteness of personal information will be amended as required.

9. Challenging Compliance

Complaints or inquiries about the collection, use, disclosure or retention of personal information and the Church's compliance with these nine principles should be directed to the Privacy Officer.

The Privacy Officer will investigate complaints and ensure that appropriate measures are taken.

[END OF SECTION A]