

Title: Employee Conflict of Interest Policy	Number: 5.02.1114.1
Approved by the Board of Governors	Implementation:
Date: November 11, 2014	Date: November 11, 2014
Revised Date:	
History:	Origin: Human Resources Department
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Rationale

All decisions made in the course of their responsibilities by administrators, faculty and other full- and part-time employees of the H. Lavity Stoutt Community College are to be made solely on the basis of a desire to promote the best interests of the College. All employees therefore have an obligation to conduct College-related business transactions without actual, potential or perceived conflicts; acting at all times in a manner that is consistent with their position, and taking all necessary steps to avoid any actual or potential conflicts of interest. A policy that is designed and enforced to reflect the College’s proactive position with regard to employee conflict of interest is essential to the assurance of public confidence in the integrity of the institution.

Definition

Generally, a conflict of interest occurs when an employee either (a) has an existing or personal interest which impairs, or might appear to impair the employee’s independent judgement in the discharge of responsibilities to the College; or (b) may receive a material personal benefit from knowledge or information confidential to the College.

An employee shall be considered as having a personal interest or receiving a personal benefit, not only if he or she has a direct financial or other interest, but also if there is such an interest on the part of or there will be a financial or other benefit to a member of his or her family (spouse, parent, child or sibling) or to a business enterprise in which the employee or family member has a substantial interest, or serves as a director, trustee or officer.

A conflict of interest might occur when an individual’s personal or private interests might lead an independent and reasonable observer to question whether the individual’s professional actions or decisions are influenced by considerations of significant personal interest, financial or otherwise.

Policy

The College prohibits conflicts of interest related to participation in decision-making related to matters in which an employee may have personal gain, to inappropriate use of College personnel, resources and assets, inappropriate use of information, and employment and evaluative

relationships. The College requires that conflicts of interest related to ‘favouring of outside interests for personal gain’ – particularly those involving agreements, sales, contracts and services - be disclosed in the manner required. In addition to definitions, this policy sets forth non-exhaustive examples of potential conflicts of interest, rules of ethical conduct and procedures for disclosure and review of actual or potential conflicts of interest.

Knowingly acting and/or persisting in (including deliberately turning a blind eye to) any form of conflict of interest is unethical. When an actual or potential conflict of interest exists or arises, the employee in conflict has a duty to report such conflict and either to eliminate the conflict or to avoid participation in decision-making related to the conflict. The College will attempt to resolve any existing conflicts of interest problems so that no one is unfairly disadvantaged.

Potential Conflicts of Interest:

Employee conflicts of interest may occur when an employee is in a position of decision-making or influence relative to a particular matter. The following non-exhaustive examples present the broad range of situations in which conflicts of interest are most likely to occur:

1. Favouring of Outside Interests for Personal Gain

- Exerting influence related to (a) agreements, programs and/or services; (b) decisions to purchase, lease or specify the terms of lease of services (c) student purchase of services or materials to the advantage of an employee or family member;
- Engaging in College agreement or service contract with a third party in which the employee has a personal interest;
- Managing, supervising or directing a College program to serve the needs of a third party in which the employee has a personal interest;
- Accepting gifts or special favours from organizations or individuals with which the College transacts business, or from students or colleagues, when such gifts may appear to favourably influence a decision that can be made or influenced by the employee or a family member.

2. Inappropriate Use of College Personnel, Resources or Assets

- Using College time to carry out work for an enterprise in which an employee has a personal interest;
- Unauthorized and non-reimbursed use of College resources or facilities to benefit a private enterprise or concern in which an employee has a personal interest.

3. Inappropriate Use of Information

- Using for personal gain or purposes other than those directly related to the functions of the employee at the College without written authorisation from the Associate Vice President, information acquired as a result of the employee’s College responsibilities. Such information might include knowledge of forthcoming developments or decisions requiring contractor selection, etc.;
- Unreasonably delaying the release or publication of information, or premature release of information to secure personal gain or to secure gain for a family member.

4. Employment and Evaluative Relationships

- Participating in any employment decision involving an immediate family member.
- Participating in the supervision, evaluation or discipline of a student or employee who is a family member;

5. Other

The list of potential conflicts of interest above should not be considered as exhaustive of all conflicts. An employee who questions whether a situation might give rise to a conflict of interest is urged to discuss the matter promptly with the Associate Vice President.

The Associate Vice President should review the circumstances and if confirmed, communicate such potential to the employee so that appropriate reporting can occur.

Conflict of Interest Disclosure

A College employee is required to disclose the circumstances related to an actual or potential conflict of interest, using the required '*Disclosure of Substantial Interest*'. For all employees that may be so affected, such disclosure must be made by October 15 of each year for any conflict of interest involving a contract, sale or service that currently exists, or that occurred during the previous calendar year, or is proposed for the upcoming calendar year. Subsequent to this formal reporting date, it is the responsibility of the employee to immediately report any new conflict of interest that may arise during the year.

A college employee may choose to disclose in advance the names of all immediate family members and of all companies or other entity in which the employee has a material interest or of which he or she is a trustee, director or officer and will be regarded during the course of his or her employment as having a personal interest in any transaction or dealing with such person or entity.

The College realizes that it may not be possible to completely avoid all relationships between employees covered by this policy and one or more third parties with which the institution transacts business. The primary key to evaluating the potential for conflicts is full disclosure by employees. It is also the obligation of the employee to keep current the '*Disclosure of Substantial Interest*.' In an instance in which a potential conflict of interest is brought to the attention of an employee by a supervisor, but in which the employee refuses to file a Disclosure of Substantial Interest, it is the obligation of the supervisor to file the disclosure on behalf of the employee, noting the employee's refusal to do so. The '*Disclosure of Substantial Interest*' form is available from the Office of Human Resources. The completed form must be submitted to the Associate Vice President.

Special Note Related to Gifts

Any employee who is offered or receives a gift or a series of gifts valued at \$100 or more from an individual or entity that could be perceived by a reasonable third party to gain from award of the gift, must report that gift to his or her supervisor and to the Associate Vice President in order

to assure that the gift does not constitute a conflict of interest. Employees should be aware that during a bidding process for goods or services, a gift of any size would represent a conflict of interest.

Requirement for Non-participation

Once an actual or potential conflict of interest has been disclosed by the employee, has been identified for consideration by a supervisor, or once a gift has been received as described above, the employee shall refrain from participating (acting individually, as a member of a committee or other group) in any manner in all matters, transactions or decisions of the College that may be affected by the potential conflict of interest until review and conclusion is reached and communicated to the employee.

Review of Disclosure

The Associate Vice President, Human Resources Manager and the Bursar are designated by the College to review all disclosures under this policy. In this capacity, they will determine whether a conflict of interest exists. They will also determine what conditions or restrictions, if any, should be imposed to reduce or eliminate the conflict of interest. The resolution concerning a Disclosure of Substantial Interest should be communicated, in writing, to the employee within fifteen (15) days of receipt of the Disclosure of Substantial Interest. It is the obligation of the employee to abide by all decisions reached and communicated with regard to a Disclosure of Substantial Interest in which they the employee is affected.

Policy Enforcement:

A full or part-time College employee who violates this policy will be subject to disciplinary action up to and including termination of employment. The College will attempt to resolve an actual or potential conflict of interest disclosure so that no employee is unfairly disadvantaged.

Grievance Procedure:

An employee who is subject to disciplinary action based on an allegation of violation of this policy shall be entitled to due process rights provided under the current grievance process. To initiate such grievance proceedings, an employee must submit a written request to the Associate Vice President using the *Grievance Submission Form* and request a hearing by the Grievance Committee. The Grievance Committee will consider the request, record the proceedings and draft a recommendation for consideration and decision by the Associate Vice President.

If the employee is not satisfied with the decision of the Vice President, the employee may appeal first to the President, and if necessary, to the Board of Governors who shall make the final determination concerning the request contained in the grievance.