

# SIR SANDFORD FLEMING COLLEGE

## POLICY MANUAL

<b>POLICY NO.</b> 4-404 <b>PAGE NO.</b> 1 of 1 <b>DATE APPROVED:</b> May 21, 2008 #8  <b>Procedure Revised:</b> May 26, 2010 #2	<b>APPROVED BY:</b> Board of Governors <b>SUPERSEDES:</b> <ul style="list-style-type: none"><li>• 4-404A - June 14, 1995 #4</li><li>• 4-404B - March 8, 1995 #7</li><li>• Policy 4-404 – October 6, 1999 #7 AND Procedure – March 2006</li></ul>
<b>EMPLOYEE CONFLICT OF INTEREST</b>	

This policy is adapted from the Management Board of Cabinet's Conflict of Interest and Post Service Directive dated September 9, 2000.

As employees of a public institution, it is the responsibility of all full-time, part-time, partial load, sessional, and temporary employees of the College to ensure that their private interests do not conflict, or appear to conflict, with their duties and responsibilities at the College.

Conflict of interest may exist when the College enters negotiations with a business or enterprise in which any full-time employee has a significant direct or indirect interest or enters into activity that is in competition with the College.

To ensure fair and honest relationship with its public and to avoid the compromising of the College and/or its employees, the College shall develop and maintain guidelines and procedures relative to conflict of interest.

The Vice-President Finance and Administration is responsible for the interpretation of this policy.

### PROCEDURE: CONFLICT OF INTEREST POLICY 4-404

#### 1. Principles

- **Conflict of Interest** - Any situation where an individual's private interests may be incompatible or in conflict with their responsibilities as a College employee. This conflict of interest policy applies to all College employees unless otherwise indicated in specific sections of the policy.
- **Ethical Standards** - College employees must act honestly and uphold the highest ethical standards. This will maintain and enhance public confidence and trust in the integrity, objectivity and impartiality of the College.
- **Public Scrutiny** - College employees are obligated to perform their official duties and conduct themselves in a manner that will bear the closest public scrutiny. College employees cannot fulfil this obligation simply by acting within the law.
- **Private Interests** - College employees should not have private interests, other than those permitted pursuant to this policy, or permitted under laws or statutes, that would be affected particularly or significantly by College actions in which the employees participate.
- **Public Interests** - College employees must arrange their private interests to prevent real, potential or perceived conflicts of interest. If a conflict does arise between the private interest of an employee and the official duties and responsibilities of that individual, the conflict shall be resolved in favour of the public interest.

### ***Definitions***

- **College Employee** – an individual who is employed on a full time, part-time or contractual basis with the College;
- **Senior College Employee** – includes the College President and individuals in senior positions reporting to the President;
- **Designated College Employee** – a College employee who is identified as being subject to the "Post-Service Restrictions" of the policy;
- **Direct Supervisor** – the College individual(s) who is responsible for applying the provisions of the Conflict of Interest Policy; does not include members of the bargaining units who take on leadership responsibilities such as Academic Leads and Coordinators;
- **Confidential Information** – for the purposes of this policy is defined as information that is not available to the public and that, if disclosed, could result in loss or damages to the College or could give the person to whom it is disclosed an advantage;
- **Friend** – A person with whom the employee has a close personal relationship. It is not intended to include casual or solely work-related relationships;
- **Immediate Family** – the employee's parents, siblings, spouse (as defined in the Colleges of Applied Arts and Technology Pension Plan document) and children; This interpretation is to be broad-based and would include any person with whom an employee may have a relationship that is analogous to those relationships listed above.

### ***Failure to Comply***

- An employee who does not comply with the provisions of this policy may be disciplined as appropriate.
- Civil action may be taken against an individual, outside entity or organization where failure to comply with the provisions of this policy results in loss or damage to the College.

## **2. Provisions that Apply to All College Employees**

In all of the following areas, a common sense approach is recommended when a College is establishing guidelines for identifying and addressing any real, potential or perceived conflict of interest situations.

### ***Private Activities***

A College employee shall not engage in any private work or business undertaking:

- That is likely to result in a real, potential or perceived conflict of interest;
- That interferes with the individual's ability to perform his or her duties and responsibilities; for example, by placing demands on the individual that are inconsistent with his or her duties or calling into question the individual's ability to perform his or her duties objectively;
- In which an advantage is derived from his or her employment as a College employee;
- In a professional capacity that will, or is likely to, influence or affect the carrying out of his or her duties as a College employee;
- That involves the personal use of College premises, equipment or supplies, including but not limited to examples such as use of photocopiers, paper, facilities, computers, telephones, mail and courier services.

### ***College Position and Confidential Information***

College employees shall not use, or seek to use, their positions or employment with the College to:

- Gain direct or indirect financial or material benefit for themselves or their immediate family or friends;
- Solicit or accept favours or economic benefits from any individuals, organizations or entities known to be seeking business or contracts with the College;
- Favour any person, organization or business entity;
- Disclose any confidential information about any College undertaking, acquired in the performance of duties for the College, to any person or organization not authorized by law or by the College to have such information;
- Benefit directly or indirectly in return for or in consideration for revealing confidential information;
- Use confidential information in any private undertaking in which they are involved.

#### ***Gifts, Hospitality and Other Benefits***

- College employees must refuse gifts, hospitality or other benefits that could influence their judgement and performance of official duties;
- College employees must not accept, directly or indirectly, any gifts, hospitality or other benefits from persons, groups or organizations dealing with the College or from clients, or other persons to whom they provide services in the course of their work as an employee of the College.
- College employees may accept incidental gifts, hospitality or other benefits associated with their official duties and responsibilities if they are considered a common expression of courtesy or within the normal standards of hospitality and do not cause suspicion about the objectivity and impartiality of the College employee and would not compromise the integrity of the College.
- When they cannot refuse unauthorized gifts, hospitality or other benefits, College employees must immediately report the matter to the direct supervisor. The direct supervisor may require that such a gift be held by the College or given to charity or such other action as he or she may determine.

#### ***Avoidance of Preferential Treatment***

- A College employee shall not grant preferential treatment in relation to any official matter to any person, organization, immediate family member or friend, or to any organization in which the College employee, immediate family member or friend has an interest.
- Subject to conditions set by the direct supervisor, a College employee shall not appoint, promote or contract with members of his immediate family or friends or occupy a position where one immediate family member reports directly to another.
- College employees involved in the contracting out process or in the awarding of contracts should ensure that they or their immediate family or friends do not personally benefit from the process.
- All employees are expected to formally declare the existence of any such relationships which could be perceived to result in the granting of preferential treatment and to advise their supervisor where any such relationship develops. Further, all employees applying for supervisory positions are expected to declare the existence of such a relationship with anyone to be supervised.

#### ***Procurement***

- A College employee shall not help any outside entities or organizations in any transaction or dealings with the College in any way that contravenes the provisions of this policy.
- A College employee shall not give confidential information associated with a transaction, except as required by a transaction, to any outside entity or organization about a College undertaking before the transaction or dealing with the College is completed.

#### ***Political Activity***

- The political activity of Crown employees including College employees is governed by the *Public Service Act*. The provincial government has specific guidelines for acceptable and unacceptable

activities for Crown agency employees during a federal election. They can be found on these pages: [Election1](#) [Election2](#) A general prohibition in the statute warns against engaging in political activity that would place the employee in a position of conflict of interest with the College. For complete details refer to the Public Service Act.

### ***Duty to Disclose***

- A College employee must disclose any real or potential conflict of interest situations to the appropriate direct supervisor to resolve.
- If a faculty member with academic responsibilities, or employee with a supervisory role, over a student has or has had an intimate and/or sexual relationship with the student, then the faculty member or employee must disclose the relationship to his/her supervisor/Dean and seek resolution to the conflict of interest.

## **3. Post-Service Restrictions for Senior College Employees and Designated Employees**

### ***Post-Service Restrictions***

- In addition to the provision in Section 2, the College maintains a legal interest in the post-service activities of former senior College employees and designated employees who, because of their former College position(s), have privileged knowledge of College operations and confidential information.
- Senior College employees will be notified in writing at the point of hire that they are subject to the post-service restrictions. Existing senior College employees shall be informed in writing that they are now subject to the post-service restrictions.
- Under certain circumstances, individuals who are not senior College employees may also be designated as subject to the post-service restrictions. Such individuals can be so designated if:
  - He or she performed a function in a position during his or her last 12 months prior to leaving the College where the individual had substantial involvement with the outside entity; and
  - He or she had, or had access to, confidential information that, if disclosed to that outside entity, could result in loss or damage to the College or could give the outside entity an unfair advantage;
  - Such individuals shall be notified in writing before the commencement of job functions that may be subject to this provision, or as soon as possible following the commencement of such functions, about the application of this provision.
- Such Senior College employees and designated employees shall also be informed in writing when they leave the employment of the College concerning any post service restrictions that may apply. This notification shall state that it is the former employee's obligation to inform any potential new employer about the post-service restrictions that apply to him or her.
- Senior College officials and designated employees should be aware that restrictions upon accepting employment with an outside entity may apply for a limited time if the individual had confidential information about both the College and the outside entity that, if disclosed to that entity, could result in loss or damage to the College or could give the outside entity an unfair advantage.
- As such, after leaving the service of the College, a former senior College employee or designated employee is restricted from accepting employment with, or appointment to the board of, an outside entity for a period of 12 months:
  - If the individual had substantial involvement with that outside entity, in the course of his or her employment with the College during the 12 months before he or she ceased to be a senior College employee; and

- If he or she had, or had access to, confidential information (in the course of his or her employment by the College during the 12 months before he or she ceased to be a College employee) that, if disclosed to that outside entity, could result in loss or damage to the College or could give the outside entity an unfair advantage.
- Where a former senior College employee or designated employee accepts a position with an outside entity and possesses, or had access to confidential information as outlined above, that outside entity may be restricted from doing business with the College for a subsequent period of 12 months after the employee left the employment of the College with respect to matters in which that confidential information may result in unfair advantages or loss or damage to the College.
- The College may seek damages for the misuse of confidential information from the former senior College employee or designated employee or any organization which uses the confidential information where the damages are quantifiable and recoverable.

#### **4. Privatization/Contracting Out Matters**

Applying the same principles and processes identified in the previous sections, College employees involved in the privatization/contracting out of any area or function of the College, or any proposed privatization/contracting out undertaking, should not personally benefit, or have any family member or friend benefit, financially or materially, from the privatization/contracting out process. Benefits to such employees must be limited to the remuneration they receive from the College for their services.

#### **5. Protection from Reprisal**

The College, or person(s) acting on its behalf, shall not:

- a) Dismiss or threaten to dismiss or suspend a staff member,
- b) Discipline or threaten to discipline or suspend a staff member,
- c) Impose any penalty upon a staff member,

because the staff member has provided information in good faith relating to an alleged conflict of interest to an appropriate officer of the College or has sought the enforcement of this policy through appropriate College channels.

#### Authority

It is the responsibility of every manager to ensure that these procedures are properly enforced. The Vice-President Finance and Administration is responsible for the interpretation of this policy.

He/She draws authority for this from the Board Policy on "Employee Conflict of Interest" #4-404, dated May 21, 2008 and revised May 26, 2010.