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| Procedure Title: | Conflict of Interest |
| Procedure ID: | #OP 3-344 |
| Manual Classification: | Section 3 – Human Resources |
| Linked to Policy: | #3-344 – Conflict of Interest |
| Approved by Senior Management Team: | May 5, 2021 |
| Revision Date(s): | N/A |
| Effective Date: | June 1, 2021 |
| Next Review Date: | May 2024 |
| Contacts for Procedure Interpretation: | Vice President, Organizational Effectiveness and Human Resources Director, Employee and Labour Relations Counsel |

1.0 – Purpose

Sir Sandford Fleming College (“the College”) strives to ensure integrity, transparency, and public confidence at all times. Employees of the College are expected to act in ways that maintain and enhance the reputation and integrity of the College, to conduct themselves in a transparent and accountable manner that would bear closest public scrutiny, and to ensure that they, their spouses/partners, and their dependants not have private or financial interests that could conflict or appear to conflict with the discharge of the employee’s official duties.

Employees have an obligation to avoid placing themselves a Conflict of Interest and to immediately disclose any such situation. The College is committed to working with employees to address any such situations in a fair, timely, and consistent manner.

An Employee may request and/or the College will seek appropriate consultation in instances that require Cultural consideration.

The purpose of this procedure (the “**Procedure**”) is to set out instructions for disclosing and dispositioning Conflicts – actual, perceived, or potential – as part of a collaborative effort to maintain the College’s and employees’ reputation for integrity and that disclosures will be assessed quickly, fairly, consistently, and where a resolution is required, with the employee’s participation.

2.0 – Procedure

2.1 Disclosure and Disposition

- a) Employees are expected to disclose any Conflict of Interest when they join the College and throughout their employment relationship. When an individual is hired or re-hired, they will receive a link to a Conflict of Interest site as part of their onboarding, and are required to complete the reading and the disclosure form immediately, even if they have previously completed a disclosure and are reporting the same situation.
- b) All active employees will be required to review the Policy and to complete mandatory training and a declaration annually. The intent is to provide ongoing education and awareness, with updated training scenarios annually, and to make consideration of Conflicts of Interest a part of the College's standard operating procedure.
- c) Employees must proactively disclose any Conflict which arises in the course of their employment as soon as they recognize the possibility of a Conflict. The intent of encouraging immediate disclosure is to protect the reputation of the College and the employee.
- d) Disclosure is made using the *Conflict of Interest Disclosure Form* ("the Form"), which is completed by the employee and submitted to their manager. The manager conducts the preliminary assessment within ten College working days of receipt of the completed Form and submits the completed Form to the Conflict of Interest Committee (the COIC) for review.
- e) The COIC may meet with the employee within ten College working days of receiving the manager's assessment to obtain further information or clarification, and/or to explore options for resolving the situation, as part of the resolution process. The employee may be accompanied by a union representative, if applicable, should they wish. The COIC will provide a decision, in writing, to the employee and the manager within ten College working days of receiving the disclosure form from the manager or, if applicable, within ten working days of meeting with the employee.
- f) The employee may appeal a decision of the COIC, in writing, within ten College working days of receiving the written outcome, to the College President. Appeals will only be heard where:
 - i. There is evidence of procedural unfairness and/or bias in consideration of the disclosure; or
 - ii. There is new information or extenuating circumstances not available or known at the time of the consideration of the disclosure.

- iii. The College President will consider the appeal request and may meet with the employee (who may choose to be accompanied by a union representative, if applicable), and/or other appropriate stakeholders and/or request additional information or documentation in order to make their decision. The decision of the College President will be provided to the Employee, in writing, within twenty College working days of receipt of the request for appeal. The College President's decision is final and binding.

- g) Existence of a Conflict of Interest does not necessarily preclude involvement of the individual in the situation where the Conflict has arisen or may arise; however, this process must be completed and a written decision of the COIC must be issued before any action or decision is taken. Resolution may include prohibiting the Employee's activities with respect to the matter.
Example:
 - An employee is the parent of a student at the College. The student wishes to report that a faculty member has failed to accommodate them under a *Human Rights Code* protected ground and asks that their parent be their support person. While this may or may not be Conflict, the employee must file a declaration prior to proceeding and may in this case file it directly to the VP, OEHR with a request for expedited COIC review.

- h) In any situation where the timelines of disclosure and disposition under this Policy delay another College process (for example, a hiring or procurement activity), the Employee shall recuse themselves from participation and the process will proceed without their direct or indirect involvement or influence
Example:
 - An employee's friend has applied for a vacant position in the department the employee supervises or manages. The employee must avoid discussing the vacancy with their friend, must disclose the relationship to their manager and request that the manager determine whether the individual qualifies for an interview, may not participate on the interview panel for their friend, and in the event the hiring panel's clear first choice is the employee's friend, the employee and their manager must document the Conflict and the mitigation measures put in place (for example, joint performance reviews).

- i) All documentation relating to a Conflict of Interest will be maintained in the Employee's personnel file within Human Resources in accordance with the College's records retention practices.

2.3 Guiding Questions

When an Employee or Manager is unsure whether an action or decision is an Actual, Perceived, or Potential Conflict of Interest, it can be helpful to ask the following questions:

- Is there anything about this action or decision, or the implications of the action or decision, that may be or become outside of Policy?
- Is it legal?
- How would a reasonable, objective observer see it?
- Who benefits from this action or decision?
- What is my “gut feeling” telling me?
- How would it look if it was reported on the news or in another public forum?
- Could it negatively affect my reputation or that of the College?
- Could it be perceived as “crossing a line” – for example, using undue influence or benefiting from undue influence?
- Could it put anyone’s health, safety, or wellbeing at risk?
- Would I be reluctant or embarrassed to declare it publicly?
- What would I think if I heard someone else at the College was doing this?

2.4 Mitigating a Conflict of Interest

Disclosing a Conflict of Interest is the first step, essential step in mitigating a Conflict. Additional mitigation activities may include but are not limited to:

- a) **Restricting** involvement in an activity or process – for example, recusal from vendor evaluation and selection in a procurement process.
- b) **Relinquishing** a private interest – for example, selling a financial interest in a competing enterprise.
- c) **Recruiting** a disinterested third party to oversee or carry out a process – for example, accepting a selection panel’s decision without participating.

3.0 – Related Documents

- *Appendix A – Conflict of Interest Certificate of Compliance and Conflict of Interest Disclosure Form*
- 3-344 Conflict of Interest Policy
- Academic Employees Collective Agreement

4.0 – History of Amendments & Reviews

Approved by SMT May 5, 2021

APPENDIX A

CONFLICT OF INTEREST CERTIFICATE OF COMPLIANCE

I acknowledge that I have read and that I understand the *Conflict of Interest Policy #3-344*. I undertake to comply with the provisions of this Policy and to confirm, upon request, my compliance with the Policy.

- I certify that I have no Conflict(s) of Interest, or
- I certify that I have disclosed Conflict of Interest of which I am aware on a *Conflict of Interest Disclosure Form*.

I confirm that this acknowledgment makes any previous signed acknowledgment, if applicable, null and void. I understand that this acknowledgment includes an obligation to declare any personal interest which may have been subject to prior approval by the College and that each such Conflict of Interest is documented on an attached *Conflict of Interest Disclosure Form*.

I also acknowledge that if, at any time after signing this document, I become involved in a situation that is actually or possibly a Conflict of Interest with the College, I will immediately inform the College of the situation by completing a *Conflict of Interest Disclosure Form*. I recognize that failure to disclose this new Conflict of Interest may result in appropriate sanctions, up to and including termination of my employment with the College.

Employee Name: _____

Employee Signature: _____

Date: _____

CONFLICT OF INTEREST DISCLOSURE FORM

PART 1

| | |
|--|--|
| Employee Number | |
| Employee Name | |
| Position | |
| Department | |
| Phone Number | |
| E-Mail | |
| Manager's Name | |
| Manager's Position | |
| Manager's Phone | |
| Manager's E-Mail | |
| Potential Conflict of Interest Area(s): <i>Explanation / Comments must be completed below for all checked areas.</i> | <input type="checkbox"/> Outside Activities/Undertakings <input type="checkbox"/> Confidential Information <input type="checkbox"/> Gifts, Hospitality, or Other Benefits <input type="checkbox"/> Preferential Treatment <input type="checkbox"/> Workplace Relationships <input type="checkbox"/> Other (Explain) |
| Request for Cultural consideration <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Additional Information if applicable: | |

- In addition to my present employment with the College, I am engaged as an employee, consultant, volunteer, or otherwise, for a competitor, a supplier, or a customer of goods or services to Fleming College.

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|---|
| <i>Name(s) of the Person(s) and/or Organization(s) Involved & Nature of Relationship</i> |
| |
| <i>Details of the Actual, Perceived, or Potential Personal Benefit (Direct or Indirect, Financial and/or Otherwise)</i> |
| |
| <i>Proposed Mitigation Measures</i> |

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| |
| <i>Additional Information</i> |
| |

2. I directly or indirectly have a personal or financial interest or a business relationship with an outside person, agent, competitor, business, contractor, or supplier that deals directly or indirectly with Fleming College, that are potentially in conflict with the best interests of Fleming College.

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|---|
| <i>Name(s) of the Person(s) and/or Organization(s) Involved & Nature of Relationship</i> |
| |
| <i>Details of the Actual, Perceived, or Potential Personal Benefit (Direct or Indirect, Financial and/or Otherwise)</i> |
| |
| <i>Proposed Mitigation Measures</i> |
| |
| <i>Additional Information</i> |
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3. I have a family relationship or a close personal relationship with someone to whom I am in a position to provide or appear to provide preferential treatment.

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|---|
| <i>Name(s) of the Person(s) and/or Organization(s) Involved & Nature of Relationship</i> |
| |
| <i>Details of the Actual, Perceived, or Potential Personal Benefit (Direct or Indirect, Financial and/or Otherwise)</i> |
| |
| <i>Proposed Mitigation Measures</i> |
| |
| <i>Additional Information</i> |
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4. Other situation(s).

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|---|
| <i>Explain/describe the situation</i> |
| |
| <i>Name(s) of the Person(s) and/or Organization(s) Involved & Nature of Relationship</i> |
| |
| <i>Details of the Actual, Perceived, or Potential Personal Benefit (Direct or Indirect, Financial and/or Otherwise)</i> |
| |
| <i>Proposed Mitigation Measures</i> |
| |
| <i>Additional Information</i> |
| |

This disclosure is made in accordance with the requirements of the Conflict of Interest Policy #3-344. I acknowledge that this disclosure does not relieve me of the obligation of making further disclosures of facts or circumstances which may be a Conflict of Interest, of which I become aware of after this date.

This disclosure is made on the _____ day of _____ 20_____.

Employee Name

Signature

PART 2

MANAGER'S ASSESSMENT OF CONFLICT OF INTEREST DECLARATION

In my assessment of the information provided above, is there a Conflict of Interest?
Why or why not?

| | |
|-------------------------------------|------------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Rationale: | |
| | |

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| If "Yes": |
| If Cultural consideration requested, outcome(s)? |
| |
| Can the mitigation or resolution measures the employee has suggested be implemented without adverse outcomes (e.g. unfairness to other employees, significant work involved in monitoring, etc.)? |
| |
| Would the mitigation or resolution measures the employee has suggested be effective? |
| |
| Additional step(s), if any, required or proposed to mitigate and monitor the Conflict? |
| |

Manager's Name

Signature

Date

*Completed form is sent to the Conflict of Interest Committee
Supervisor Approval Only Required for Faculty Requesting Approval for Employment,
Consulting, or Teaching Activities Outside the College (Article 11.06) – Completed form
to be returned to Employee, copy sent to COIC for information purposes.*

PART 3

CONFLICT OF INTEREST COMMITTEE RESPONSE

| | |
|--------------------------|--|
| Committee Members | |
| Date | |

| | |
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| | <p>No action is required A review of the matter disclosed has satisfied the Committee that there is no Actual, Perceived, or Potential Conflict of Interest as defined in the <i>Conflict of Interest Policy 3-344</i>.</p> |
| | <p>Approval with limitations A review of the matter disclosed has indicated that there is an Actual, Perceived, or Potential Conflict of Interest as defined in the <i>Conflict of Interest Policy #3-344</i>.. However, the Employee discloser may continue with the activity subject to the following limitations and conditions:</p> |
| | <p>No Approval A review of the matter disclosed has indicated that there is an Actual, Perceived, or Potential Conflict of Interest as defined in the <i>Conflict of Interest Policy 3-344</i> that cannot be resolved by the imposition of limitations and conditions. Reasons for the refusal are below.</p> |
| | <p>Appeal Process You may appeal this decision within ten days of receiving this form by providing written notice to appeal to the President if:</p> <ul style="list-style-type: none"> (a) There is evidence of procedural unfairness and/or bias in consideration of the declaration; or (b) There is new information or extenuating circumstances not available or known at the time of the consideration of the declaration. |

On behalf of the Conflict of Interest Committee:

| Name | Signature | Date |
|------|-----------|------|
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Distribution:

Employee

Manager

Employee Personnel File