

 <p><b>Confederation</b> COLLEGE</p> <p><b>COLLEGE POLICY</b></p>	Number: 4-1-02	# of pages – 5
	Originator:	Corporate Services
	Approved By:	College Planning Committee
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<b>Conflict of Interest</b>		

**1. POLICY STATEMENT**

Employees, full and part time, must take all reasonable steps to ensure that their private and personal interests do not conflict or appear to conflict with their duties and responsibilities at the college.

**2. APPLICATION AND SCOPE**

This conflict of interest policy applies to all college employees unless otherwise indicated in specific sections of the policy.

**3. DEFINITIONS**

**Conflict of Interest** – any situation where an individual’s private interests may be incompatible or in conflict with their responsibilities as a college employee

**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** – an employee who is identified as being subject to the “Post-Service Restrictions”, of the policy

**Designated Official** – the Director, Human Resources Services is responsible for applying the provisions of the conflict of interest policy

**Confidential Information** – 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

**Immediate Family** – Immediate family member includes spouse, common-law spouse, co-habitant, father, son, mother, daughter, sister, brother, step mother, step father, step sister, step brother, step daughter, step son and the spouse, common-law spouse, or co-habitant of the fore-listed.

**4. DISCLOSURE OF CONFLICT OF INTEREST**

During an employment interview and following employment, applicants/employees are required to disclose to the interviewer/immediate supervisor any potential, real or perceived conflict of interest. Failure to do so may result in denial of employment or disciplinary action up to and including dismissal.

**5. GENERAL PRINCIPLES**

Employees, in the performance of their duties shall not provide preferential treatment to any person or organization contrary to the interest of the college.

Employees shall not use information obtained while in the college’s employ for their own or others’ gain contrary to the interest of the college.

**Ethical Standards** – 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 – Employees are obligated to perform their official duties and conduct themselves in a manner that will bear the closest public scrutiny. Employees cannot fulfill this obligation simply by acting within the law.

Private Interests – 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 – Employees must arrange their private interests to prevent real or potential 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.

## **6. EMPLOYMENT/CONSULTING/ RESEARCH ACTIVITIES**

Employees are encouraged to broaden their skills through consulting and return to workplace endeavors. This encouragement is balanced with the College's right to determine its priorities and image.

Employees shall not engage in any private work or business undertaking:

- that is likely to result in a real or potential conflict of interest;
- that interferes with the individual's ability to perform his or her duties and responsibilities;
- 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 use of College premises, equipment or supplies;
- that is in direct competition with the normal business/teaching activities of the College.

Employees involved in research activities shall not:

- have a financial or personal interest in any transaction chargeable to a college research grant or contract.

Any employee who may be in conflict as a result of private work or business undertaking should contact the designated official for clarification in writing.

During the period of assigned workload, teachers shall not take any employment, consulting or teaching activity or engage in any business undertaking outside the college except with the prior written consent of their supervisor.

All other employees shall not take any employment or engage in any business undertaking during their scheduled hours of work except with the prior written consent of their supervisor.

The supervisor shall not provide such consent until the division head and the Director, Human Resources Services have approved the request.

The supervisor shall inform the employee in writing whether or not the request has been approved. Copies of the approval are distributed to the division head and Human Resources Services.

## **7. EMPLOYMENT OF OR CONTRACTING WITH RELATIVES**

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.

Immediate family members may be hired or contracted provided conflicts or potential conflicts of interest are identified in advance and resolved. A conflict of interest exists when immediate family members:

- are in an employee/supervisor relationship
- have the opportunity for personal gain beyond the parameters of their position.

Immediate family members may be hired for full time employment upon recommendation of the division head and the Director, Human Resources and with the approval of the President.

Sessional, partial load and all part time employment may be approved by the division head and the Director, Human Resources Services.

When an employee becomes an immediate family member of another college employee and the new relationship creates a conflict of interest, the employee with the lesser seniority or length of service shall be assigned to a different work location. If this is not feasible, the employee with the greater seniority or length of service shall be reassigned to a different work location. If neither employee can be relocated or is willing to relocate, the President shall determine if the employment of both employees will be continued or the person with the lesser seniority will be terminated.

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 financially or materially from the process. Benefits to such employees must be limited to the remuneration they receive from the college for their services.

## **8. 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;
- 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;
- help any outside entities or organizations in any transaction or dealings with the college in any way that contravenes the provisions of this policy;
- 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;
- use confidential information in any private undertaking in which they are involved;
- dispose of college equipment or materials for personal gain.

## **9. GIFTS, HOSPITALITY AND OTHER BENEFITS**

College employees must refuse gifts, hospitality or other benefits that could influence their judgment 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 designated official. The designated official 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.

**10. POLITICAL ACTIVITY**

The political activity of Crown employees including college employees is governed by the Public Service Act.

**11. COLLEGE MEETINGS**

When College employees are present at a meeting where a matter in which they have a personal monetary interest is considered, those employees must act as follows:

- the employee's interest and the general nature of that interest must be disclosed prior to any consideration of the matter.
- employees must not take part in consideration of the matter, vote on the matter or influence the voting in any way.

**12. POST-SERVICE RESTRICTIONS FOR SENIOR COLLEGE EMPLOYEES AND DESIGNATED EMPLOYEES**

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.

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 has 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.

**13. FAILURE TO COMPLY**

An employee who does not comply with the provisions of this policy may be disciplined as appropriate.

Actions taken under this policy, when applied to bargaining unit members, will be consistent with the terms of the appropriate collective agreement.

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.

**14. REVIEW**

The Vice President, Academic and Student Services will review this policy within three years and will recommend amendments as necessary.