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	Approved by: <b>Executive Committee</b>	
Title <b>Conflict of Interest</b>	Effective Date <b>April 2006</b>	Replaces <b>n/a</b>

## **General 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.

This policy provides guidance for College employees concerning their obligations to avoid placing themselves in a position of potential or perceived conflict with the College's interests.

### **1. Application and Scope**

This policy pertains to any situation where an individual's private interests may be incompatible or in conflict with her/his responsibilities as a College Employee.

Perception of conflict or potential conflict as measured by a reasonable person may also constitute a conflict of interest for the purpose of this policy.

### **2. Definitions:**

- a) College Employee – an individual who is employed on a full time, part time, or limited term basis with the College;
- b) Senior College Employee – an individual who is employed by the College in a position reporting to the President, excluding the Executive Assistant to the President;
- c) Designated College Employee – a College employee who is identified as being subject to the "Post-Service Restrictions", section of the policy;
- d) Designated Official – the Director, Human Resources who is responsible for overseeing the application of the provisions of the Conflict of Interest policy;
- e) 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;
- f) Immediate Family – includes, but is not limited to an employee's parents, siblings, children, spouse, or individual with whom the employee is in a spousal relationship (either within or outside of marriage). This is to carry a broad based interpretation and would include any person with whom an employee may have a bond that is analogous to the examples listed above;
- g) Friend – a person with whom the employee has a close personal relationship.

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**3. Principles:**

- a) 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. Employees, in the performance of their duties shall not provide preferential treatment to any person in any situation contrary to the interest of the College.
- b) 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.
- c) 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.
- d) Public Interests – College 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.

**4. Failure to Comply:**

- a) An employee who does not comply with the provisions of this policy may be subject to discipline as appropriate up to and including immediate dismissal.
- b) 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.

**5. Provisions that Apply to All College Employees:**

**5.1 Private Activities**

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

- a) That is in competition, direct or indirect, with the College;
- b) That is likely to result in a real or potential conflict of interest;
- c) That interferes with the individual's ability to perform his or her duties and responsibilities;

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- d) In which an advantage is derived from his or her employment as a College employee;
- e) 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;
- f) That involves the use of College premises, equipment or supplies without written permission from the College and due compensation at prescribed rates.

An employee who wishes to engage in activities external to the College during assigned work hours or that in any way engages this policy, must receive written permission from his or her supervisor. This may be granted only when in the opinion of the supervisor the activity will not interfere with the performance of the employee's duties or constitute a conflict of interest. A template for sign off between the employee and the supervisor to document this permission is attached as Appendix A for this purpose.

## **5.2 Use of College Position and Confidential Information:**

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

- a) Gain direct or indirect financial or material benefit for themselves or their immediate family.
- b) Solicit or accept favours or economic benefits from any individuals, organizations or entities known to be seeking business or contracts with the College;
- c) Favour any person, organization or business entity;
- d) Disclose any confidential information about a 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;
- e) Benefit directly or indirectly in return for or in consideration for revealing confidential information;
- f) Use confidential information in any private undertaking in which they are involved.
- g) Present work as one's own and not credit the work of others who performed or contributed to the work.
- h) Use students or College staff, on College time, to perform personal favours or to carry out work for a campaign or organization in which the employee has a personal interest.

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## **6. Gifts, Hospitality and Other Benefits:**

### **6.1 Gifts**

- a) College employees must refuse gifts, hospitality or other benefits that could influence their judgment and performance of official duties;
- b) 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;
- c) 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.

### **6.2 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. Situations covered by this provision include, but are not limited to, the following:

- Relationships involving supervisors and staff members whom they supervise,
- Teachers or Supervisors and students, and College employees and suppliers or contractors.

All employees will be expected to 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 relationships develop.

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- a) A College employee shall not hire members of his or her immediate family or occupy a position where an immediate family member reports directly to another. All employees applying for supervisory positions will be expected to declare the existence of such a relationship with anyone to be supervised.

Similarly, all employees in a supervisory or teaching position are expected to advise their Supervisor where such a relationship develops between them and someone they supervise. A note to this effect must be forwarded to and retained on file by Human Resources by the supervisor to ensure the matter is properly documented.

- b) College employees involved in the contracting out process or in the awarding of contracts shall not contract with members of their immediate families.
- c) Where the potential for such situations occur, the designated official will be involved in discussions to resolve the potential conflict of interest, including reassignment of reporting relationship.

### **6.3 Procurement**

- a) 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.
- b) 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.

### **6.4 Political Activity**

Regulations concerning political activity of Crown employees, including College employees, are contained in the Public Service Act.

### **6.5 Duty to Disclose**

A College employee must disclose any real or potential conflict of interest situations to his or her supervisor and to the appropriate designated official for review and resolution as soon as the real or potential conflict (including a reasonable perception of conflict) arises.

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

In addition to the provisions in Section 5, the College maintains a legal interest in the post-service activities or former senior College employees and designated employees who, because of their former College position(s), have privileged knowledge of College operations and confidential information.

- a) Under certain circumstances, individuals who are not senior College employees may also be designated by the President as subject to the post-service restrictions. Such individuals can be so designated if:
  - i. 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
  - ii. He or she 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;
- b) 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.
- c) Such senior College employees and designated employees will be informed in writing at the point of hire that they are subject to post-service restrictions. They will 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 employee about the post-service restrictions that apply to him or her. As transitional provision, when this revised policy becomes effective, all existing senior College employees and others designated by the President will be immediately informed, in writing, that they are subject to the post-service restrictions
- d) 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.
- e) 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.

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- i. 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
  - ii. 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 the outside entity, could result in loss or damage to the College or could give the outside entity an unfair advantage.
- f) 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.
- g) The College may seek damages for the misuse of confidential information from the former senior College employee or designated employee or any organization that uses the confidential information where the damages are quantifiable and recoverable.

**8. Privatization/Contracting Out**

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 remuneration they receive from the College for their services.

**9. 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 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.

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**10. Procedure for Resolution if a Conflict Exists**

Employees of the College are expected to use good judgment to avoid situations that constitute a conflict of interest, or create the appearance of a conflict of interest, where employees are in doubt about a particular set of circumstances. They must discuss the situation with their Supervisor prior to engaging in the activity in question.

The Supervisor, in consultation with appropriate parties as may be deemed necessary, will determine if a conflict, or the appearance of a conflict, exists. The Supervisor will discuss and review with an employee a course of action to monitor or avoid the conflict. This course of action shall be in writing and will be effective only after it is signed and approved by the Supervisor's Supervisor (unless the Supervisor is the President).

In the event that the Supervisor and the employee cannot resolve the matter, it will be referred through appropriate management channels for resolution. Without exception, all courses of action approved under this procedure for monitoring or avoiding conflicts of interest shall be filed with the designated official as soon as possible after approval.

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**Appendix A to the Cambrian College Conflict of Interest Policy**

1. I, \_\_\_\_\_ (the “Requester”), hold the position of \_\_\_\_\_ in the department of \_\_\_\_\_.
- I request permission to carry on the following private work or business undertaking(s) during assigned working hours and/or during the College’s regular hours of operation:

2. The above activity will begin or has begun as of the following date: \_\_\_\_\_
3. The above activity will end as of the following date: \_\_\_\_\_ (If no known end date, give an approximate date or mark “indefinite”.)
4. I, \_\_\_\_\_ (the “Manager), hold the position of \_\_\_\_\_ in the department of \_\_\_\_\_. I have reviewed the Requester’s submission in light of the Cambrian College Conflict of Interest Policy (the “Policy”). I am satisfied that the Requester’s proposed activity does not interfere with the performance of the Requester’s College duties, and does not constitute a Conflict of Interest as broadly defined in the Policy. I therefore grant the Requester the permission sought above, until \_\_\_\_\_, (a date that is not more than one year beyond the date of my signature, below) with the following limitations or conditions:

(Mark “NONE” if there are no limitations or conditions to the permission.)

Dated at Sudbury, Ontario.

**REQUESTER**

**MANAGER**

\_\_\_\_\_

\_\_\_\_\_

Date

Date