

## GEORGIAN COLLEGE OF APPLIED ARTS AND TECHNOLOGY

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Human Resource Services Procedure: #4-126

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### CONFLICT OF INTEREST PROCEDURE

**PURPOSE:** The potential for conflict of interest has always existed in college communities because of the diverse interactions of staff with external organizations. However, the increasing complexity of society and the changing role of colleges in that society, the multiplicity of inter-college, college-industry and college-community relations have created a new awareness of the need for guidelines for conflict of interest. More than ever before, College staff are being asked to engage in a diverse range of economic development activity, increasing the potential for conflict of interest.

This Procedure is meant to protect both the individual employee and the College. Its fundamental tenet is that employees should, of their own volition, take the initiative in disclosing conflicts or potential conflict of interest situations. The mere existence of a conflict or a potential conflict does not necessarily imply that the activity or relationship should cease. Indeed, conflicts may cover a broad spectrum from those that are minor and easily controlled to those whose consequences could be very serious. There are situations sufficiently complex that judgements may differ as to whether a conflict exists.

This procedure complies with the Management Board of Cabinet's "Conflict of Interest and Post-Service Directive" issued by B. James Mackay, Acting Assistant Deputy Minister, Post-Secondary Education Division, Ministry of Education and Training on August 24, 1998.

**SCOPE:** All college employees.

**RATIONALE:** Colleges operate in the public domain. As such, Georgian College has a responsibility to help managers and employees identify perceived and real conflict of interest situations, hopefully as a preventative measure, so that appropriate action is taken. By addressing any conflict of interest in a responsible manner, the integrity of both the college and the employee can be upheld.

#### **DEFINITIONS:**

➔ **Conflict of Interest**

There are two categories of potential conflict of interest that apply in the college community. To quote from the Statement of Policy on Conflicts of Interest by Harvard University, these are:

"...conventional **conflicts of interest** - situations in which members may have the opportunity to influence the College's business decisions in ways that could lead to personal gain or give improper advantage to their associates", and "...**conflicts of commitment** - situations in which members' external activities...interfere or appear to interfere with their paramount obligations to students, colleagues, and the College."

➔ **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 Vice Presidents and Directors who report to the President

- **Designated College employee** - a College employee who is identified as being subject to the "Post-Service Restrictions" of this Procedure
- **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** - the employee's parents, siblings, spouse or children.

#### **PRINCIPLES:**

1. College employees are encouraged to participate in external activities that enhance their professional standing or the reputation of the College. Community and professional service are desirable. However, college employees are expected to manage these external interests or activities so that no conflicts of interest or commitment arise.
2. College employees must act honestly and uphold high ethical standards in order to maintain and enhance public confidence and trust in the integrity, objectivity, and impartiality of the College.
3. College employees are obligated to perform their official duties and conduct themselves in a manner that will bear close public scrutiny. College employees cannot fulfil this obligation simply by acting within the law.
4. The political activity of College employees is governed by the Public Service Act.
5. An employee who does not comply with the provisions of this procedure may be disciplined following College procedures. 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.
6. 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.

#### **EXAMPLES:**

The following list of examples, while not comprehensive, is illustrative of situations which constitute a conflict of interest or commitment:

##### Favouring of Outside Interests for Personal Gain:

- Entering into a research or training contract with a company in which the employee, or a member of his/her family, has financial interest.
- Influencing the purchase of equipment or materials for the College from a company in which the employee has a financial or other interest.
- Accepting significant gifts or special favours for personal gain from individuals, companies, or organizations known to do business, or seeking to do business, with the College.

#### Inappropriate Use of College Personnel, Resources or Assets:

- When a supervising employee uses College students or staff on College time to carry out work on his/her behalf for a company in which he/she has a financial or other interest.
- Unauthorized and non-reimbursed use of College resources or facilities to benefit a private concern in which the employee has a financial or other interest.

#### Inappropriate Use of Information:

- Using confidential information acquired in the employee's position with the College to gain direct or indirect benefit for themselves or their immediate family - ie: knowledge of planned development requiring contractor or sub-contractor selection, bulk purchases etc.
- Using confidential information in any private undertaking in which they are involved.

#### Conflict of Commitment:

- Undertaking external consulting, professional or other activities which, by virtue of their time commitment, prevent the employee from fulfilling his/her obligations to the College.
- Involvement in external organizations which bring an employee into a position of divided loyalty between the mission of the College and the interests of the external organization.
- Undertaking external consulting or professional activities that compete with College activities.

#### Inappropriate Participation in the Promotion or Hiring Process:

- Participating in the appointment, promotion or hiring of a person with whom the employee has a marital, familial or sexual relationship.

#### **PROCEDURE:**

1. An employee with a conflict or potential conflict of interest must advise his/her immediate supervisor (and/or the appropriate manager). Specific details of the conflict or potential conflict should be disclosed when appropriate.
2. The immediate supervisor (or appropriate manager) will determine the appropriate resolution for the conflict or potential conflict situation, consulting with the Director, Human Resource Services as needed. Appendix A provides guidelines for specific situations involving faculty who wish to consult, teach, attend conferences, or participate in activities outside the College during a period of assigned workload.
3. The immediate supervisor (or appropriate manager) and the employee will decide if details of the conflict or potential conflict situation should be documented and kept in the employee's personnel file (see Appendix B).

## **POST-SERVICE RESTRICTIONS:**

The government of Ontario maintains a legal interest in the post-service activities of former public servants and former public officials. When their service ends, a former senior public servant/public official continues to be obligated to the government because of the confidentiality of the information to which he/she was privy. Confidential government information must not be used for personal gain or commercial advantage.

- ➔ 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/she performed a function in a position during his/her last 12 months prior to leaving the College where the individual had substantial involvement with the outside entity; and
  - he/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/she ceased to be a senior college employee; and
  - if he/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/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 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.

## CONFIDENTIAL

## GEORGIAN COLLEGE OF APPLIED ARTS AND TECHNOLOGY

## CONFLICT OF INTEREST DISCLOSURE FORM

*Any employee of the College with a conflict or potential conflict of interest should seek the counsel and advice of his/her immediate supervisor and disclose the details to that individual. If documentation is required, it is recommended that this form be used.*

NAME \_\_\_\_\_ WORK AREA \_\_\_\_\_

POSITION TITLE \_\_\_\_\_ DATE \_\_\_\_\_

**1. COMPENSATED EXTERNAL PROFESSIONAL ACTIVITY  
(Consulting, Board Memberships, Teaching, etc.)**

Company	
Nature & Extent of Work and Relationship	
Explanation of Conflict	

**2. BUSINESS INTERESTS AND RELATIONSHIPS  
(Personal, Family or Other)**

Company	
Nature & Extent Of Involvement	
Explanation of Conflict	

**3. OTHER EXTERNAL ACTIVITIES**

External Entity	
Description of Activity	
Explanation of Conflict	

**RESOLUTION:**



**GUIDELINES FOR CONSIDERING FACULTY REQUESTS TO WORK  
OUTSIDE THE COLLEGE DURING A TEACHING SEMESTER**

- =====
1. Any employment, consulting or teaching activity during a period of assigned workload must be discussed and approved by person's supervisor - application of clause 11.06. The principles below shall be employed in coming to a "reasonable" decision.
  2. Other activity occurring during a period of assigned workload - e.g. attending a conference, a professional development activity - which does not impinge or conflict with scheduled teaching activity or other assigned workload functions, and/or reasonable availability of the faculty member to students in his/her assigned courses, does not require discussion with supervisor except, perhaps, for the general information of the supervisor.
  3. Other activity occurring during a period of assigned workload - e.g. attending a conference, a professional development activity which in whole or part come into conflict with scheduled teaching or other assigned workload functions, and/or reasonable availability of the faculty members to students in his/her assigned courses, should be discussed with the person's supervisor and an amicable decision reached in the framework of the listed principles.

**Principles to consider in reaching a decision**  
(In order of importance)

1. Activity by a faculty member - either external to the college or internal (e.g. participation in a college committee, selection committee, etc.) - shall not materially affect the performance of that person's assigned workload, in particular attendance at scheduled classes, and reasonable availability to students.
2. Any affect on the teacher's ability to attend scheduled classes shall be minimal, highly infrequent, short-term duration occurrence, and the teacher shall make every effort to reschedule such missed classes and/or to arrange for appropriate replacement for any missed scheduled classes (but no "class-sitting" form to fill in).
3. In reaching a decision the supervisor shall take into consideration the possible beneficial effects of the proposed activity for the current students, the teacher, the programs, and the college.
4. Consideration should be given to the disposition of any net financial benefit accruing to the faculty member from the proposed activity.
5. Consideration should be given to the treatment of any significant amount of time away from the college engaged in non-college specific activity. The time away would normally be treated as an unpaid LOA. Alternatively, with approval of the VP-Academic, it may be treated as vacation or a paid leave.
6. All discussions shall be between the faculty member and his/her supervisor and, if appropriate, a note written up outlining the decision reached. This decision is final, excepting a request for approval of activity under 11.06, which is subject to grievance process of the contract.