

Human Resources and Organizational Development

Procedure #4-126

Effective Date: 94.10.26

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Conflict of Interest

COMMITMENT: Georgian College is committed to ensuring public confidence and expects its employees to act in ways that preserve and enhance the reputation and integrity of the College. Every employee occupies a position of trust and the public is entitled to expect the highest standards of conduct from all individuals who work for Georgian College.

PURPOSE: The Conflict of Interest Procedure has been developed to clarify Georgian College's expectations for employees who may become involved in situations, which cause, or could potentially cause, a conflict of interest. This Procedure is intended to provide guidance to employees in order that the vast majority of perceived, potential or actual conflicts of interest are recognized and either avoided or dealt with fairly and expeditiously through appropriate disclosure and management. Early disclosure of a potential or actual conflict of interest or conflict of commitment is key to the successful resolution of the matter.

SCOPE: This Procedure applies to all employees of the College and covers all College interactions, business dealings and events on or off College premises.

RESPONSIBILITIES: The Human Resources Department is responsible for reviewing this Procedure and recommending amendments as necessary. Supervisors and managers shall ensure that they and their employees are familiar with and comply with this Procedure. Employees are expected to disclose immediately upon discovery, and to resolve subsequently with the College, actual or potential conflicts of interest arising from the activities in which they are engaged. Breaches of the College Procedure may result in disciplinary action up to and including termination. The College may take legal action against a College employee if the failure to comply with the Procedure results in loss or damage to the College.

1.0 GUIDING PRINCIPLES AND STANDARDS

1.1 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.

1.2 Public Scrutiny: College employees are obligated to perform their duties and conduct themselves in a manner that will bear the closest public scrutiny. College employees cannot fulfill this obligation simply by acting within the law, but must also act within the spirit of the law and applicable College procedures.

1.3 Private Interests: College employee should not have private interests (unless permitted in this procedure) that would be affected, potentially affected, or be perceived to be affected by College actions in which the employees participate.

1.4 Public Interests: College employees must arrange their private interests to prevent actual, potential, or perceived Conflicts of Interest. If a conflict does arise between the private interest of an employee and the official duties/responsibilities of that individual, the conflict shall be resolved in favour of the public interest.

1.5 Political Activity: Political activity of College employees is governed by the Public Service Act.

2.0 PROVISIONS FOR EMPLOYEES

An actual or apparent conflict of interest arises when an employee is in a situation where his or her personal interest, financial or other, or that of an immediate family member or of a person with whom there exists, or has recently existed an intimate, personal relationship, conflicts, or appears to conflict, with his or her responsibility to the College or with the interests of the College.

2.1 Private Activities

College employees 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 an actual, potential, or perceived Conflict of Interest;
- c. That interferes with the employee's ability to perform his/her duties and responsibilities;
- d. In which any person would derive an advantage from his/her employment with the College;
- e. In a professional capacity that will, or is likely to, influence or detrimentally affect the employee's ability to carry out his/her duties as a College employee; or
- f. That involves use of College premises, equipment or supplies without written permission from the College and due compensation at prescribed rates.
- g. That exposes the College to liability as a result of their access to information, resources, facilities, contacts or in any way insinuates the College as a stakeholder in that private business undertaking.

College employees who wish to engage in activities external to the College during the period of assigned workload must receive written permission from their manager. Permission will be granted only when, in the opinion of the manager, the activity will not interfere with the performance of the employee's duties or would otherwise constitute a Conflict of Interest.

2.2 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 other benefit for themselves, members of their immediate family or their friends;
- b. Solicit or accept favours or economic benefits from any individuals, organizations or entities that are known to be seeking business or contracts with the College or that have an existing relationship with the College;

- c. Favour any person, organization or business entity;
- d. Disclose any confidential information acquired in the performance of their duties for the College to any person or organization unless they are authorized to do so by law or by the College;
- e. Receive gifts or benefits directly or indirectly in return for, or in consideration for, revealing confidential information; or
- f. Use confidential information in any business or undertaking outside their work for the College.

Restrictions on use and disclosure of confidential information shall continue to apply to former College employees.

2.3 Gifts, Hospitality and Other Benefits

- a. College employee must refuse gifts, hospitality or other benefits if a reasonable person might conclude that the gift could influence their judgement or the performance of their 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 or courtesy, are within the normal standards of hospitality, are reasonable in the circumstances, and are not likely to cause suspicion about the objectivity and impartiality of the College employee or otherwise compromise the integrity of the College; or
- d. College employees must report to the Director, HR if he/she cannot refuse unauthorized gifts. The Director 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.

2.4 Preferential Treatment

College employees shall not grant preferential treatment in relation to any matter involving the College to any person, organization, immediate family member or friend.

- a. A College employee shall not hire members of his/her immediate family or occupy a position where one immediate family member reports directly or indirectly to another;
- b. A College employee involved in a contracting process or in the awarding of contracts shall not contract with their immediate family members or with their friends; or
- c. A College employee is expected to avoid intimate relationships involving their employee and/or supervisor and/or student. If an intimate relationship develops, the employee is expected to disclose that relationship promptly so appropriate measures can be taken.

2.5 Procurement

College employees shall not help outside entities or organizations in any transaction or dealings with the College that contravene this procedure.

A College employee shall not give confidential information associated with a transaction or other College undertaking except as required by the terms of the transaction or undertaking to any outside entity or organization before the transaction or undertaking with the College is completed.

All College employees are expected to follow the Procurement Procedure: 3-111.

2.6 Post-Service Restrictions

In certain cases, the College may have a legal interest in the post-service activities of College employees who, because of the position held at the College, have privileged knowledge of College operations and confidential information.

Designated employees who are subject to post-service restrictions will be informed in writing. They will also be informed in writing when they leave the employment of the College concerning any post-service restrictions that apply.

At the discretion of the President, a designated employee may be made subject to post-service restrictions including, without limiting the generality of the foregoing, the following:

- a. The Designated College employee may be prohibited from accepting employment with an entity or organization where the disclosure of confidential information may harm the College for a period of time not exceeding 12 months;
- b. The Designated College employee may be prohibited from serving as a member of the board of governors or other governing body within such an organization or entity for a period of time not to exceed 12 months; or
- c. The Designated College employee may be required to enter into a confidentiality agreement before accepting employment within such an organization or entity.

In exercising his/her discretion, the President shall impose conditions that are no more restrictive than necessary to protect the College's legitimate interests.

A Designated College employee may be made subject to post-service restrictions if:

- a. He/she occupied a position during his/her last 12 months of employment at the College where the individual had substantial involvement with an outside entity or organization; or
- b. He/she had access to confidential information that, if disclosed to the outside entity or organization, could result in loss or damage to the College or could give the outside entity an unfair advantage in relation to third parties.

Where a Designated College employee accepts a position with the entity or organization in violation of this section, that entity or organization may be restricted from doing business with the College for a period of 12 months dating from the time the College employee left the employment of the College. The College may seek damages from the Designated College employee or the organization or entity for the conversion or other misuse of confidential information.

3.0 PROCEDURE FOR DISCLOSING CONFLICTS OF INTEREST

3.1 Employees have an obligation to provide full disclosure of all relevant information, as soon as s/he could reasonably be aware that a conflict may exist, to his or her immediate manager. If the immediate manager has an interest in the matter to be discussed, the disclosure shall be made to the person at the next higher level of authority.

3.2 Details of the conflict or potential conflict must be disclosed by completing the Disclosure Form-Appendix 1.

3.3 The employee's manager (or next higher level of authority), in consultation with Human Resources shall determine whether a conflict exists or may appear to exist and determine the way to avoid or deal with the matter. The resolution of the matter shall be made in writing.

3.4 In the event that agreement cannot be reached, the case will be referred to the next higher level of authority for resolution, up to and including the Dean/Director and the appropriate Vice President.

3.5 The employee's manager will submit the documentation (Appendix 1) to Human Resources for placement in the employee's personnel file.

3.6 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 are found in Appendix 2.

4.0 DEFINITIONS

College Employee: A person who is employed on a full-time, part-time or contractual basis with the College and, for the purposes of this procedure, includes independent contractors.

Confidential information: Information regarding any College related activity not otherwise available to the public which:

- Has been created, communicated or received by or within the College with the expectation that it remain confidential.
- If disclosed, could result in harm to the College or to any third party from whom the information was received or could give the person to whom it is disclosed an advantage.

Conflict of Interest: Any situation where an individual's personal interests may be incompatible or in conflict with her/his responsibilities as College Employee, and includes actual, potential or perceived conflicts of interest.

Designated College Employee: A College employee who is identified as being subject to the "Post-service Restrictions" of this procedure.

Friend: A person with whom the College employee has a close personal relationship.

Immediate Family: The College employee's spouse, children, parents, siblings, grandparents and grandchildren, as well as any relative who lives in the same household as the College employee.

Spouse: Any person to whom the College employee is legally married, or with whom the College employee lives in a conjugal relationship outside marriage.

5.0 FORMATS

This procedure is available in various accessible formats upon request. For an alternative format or a paper copy, please contact Human Resources.

APPENDIX 1

DISCLOSURE FORM

Name	
Date	
Department / Program	
Position Title	
Contact Information	

Nature of Disclosure

In your own words, please provide details of your conflict of interest. If you would like to provide a more detailed description, please attach it to this form.

Please indicate if this disclosure refers to:

Private Activities	
Use of College Position and Confidential Information	
Gifts, Hospitality and Other Benefits	
Preferential Treatment	
Procurement	
Post-Service Restrictions	
Other	

Description of the situation and conflict (actual, potential or perceived):

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Resolution (to be completed by employee's manager and Human Resources):

____ No action required. A review has satisfied that there is no actual, potential or perceived conflict of interest as defined in the Conflict of Interest Procedure.

____ Approved with limitations. A review has indicated that there is an actual, potential or perceived conflict of interest as defined in the Conflict of Interest Procedure. However, the employee may continue with the activity, subject to the following limitations and conditions: _____

____ Not Approved. A review of the matter has indicated that there is an actual, potential or perceived conflict of interest as defined in the Conflict of Interest Procedure that cannot be resolved by imposing limitations and conditions. Reasons for the refusal are: _____

Employee Signature: _____

Date: _____

Manager Signature: _____

Date: _____

Guidelines for Considering Faculty Requests to Work Outside the College During a Teaching Semester

Any employment, consulting, or teaching activity during a period of assigned workload must be discussed and approved by the person's manager (Article 11.06). The principles below shall be employed in coming to a "reasonable" decision.

Activity may be external or internal in nature. Internal activity which might affect work could be participation in a College committee, selection committee, or a group organizing a College event.

Other activities may arise during a period of assigned workload – for example, attending a conference, attending a professional development activity. The following will apply:

- If the activity does not impinge upon the faculty member's work (scheduled teaching activity or other workload functions such as reasonable availability for students), it does not require the approval of the manager. However, the manager should be informed of the activity
- If the activity conflicts with the faculty member's work (scheduled teaching activity or other workload functions such as reasonable availability for students), the situation must be discussed with the faculty member's manager and an amicable decision reached within the framework of the principles below

Principles to Consider in Reaching a Decision:

1. Activity by a faculty member (external or internal) 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 effect on the teacher's ability to attend scheduled classes shall be a minimal, highly infrequent, short-term duration occurrence, and the teacher shall make every effort to reschedule any missed classes and/or to arrange for appropriate replacement for any missed scheduled classes.
3. In reaching a decision, the manager shall take into consideration the possible beneficial effects of the proposed activity for the current students, the teacher, the program, and the College.
4. Consideration should be given to the disposition of any net financial benefits 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 unpaid LOA. Alternatively, with the approval of the Vice President responsible for Academic, it may be treated as vacation or a paid leave.

All discussion shall be between the faculty member and his/her manager and, if appropriate, a note will be written outlining the decision reached. This decision is final, excepting a request for approval of activity under Article 11.06, which is subject to the grievance process in the Academic Collective Agreement.

Georgian College of Applied Arts & Technology

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