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8.11.1 CONFLICT OF INTEREST PROCEDURES

ENABLING POLICY

8.11 Conflict of Interest

PROCEDURES

A. Declaration of Conflict

1. Employees must arrange their private affairs and conduct themselves in a manner that avoids Conflicts of Interest. In situations where a Conflict of Interest arises and cannot be avoided, an Employee has an obligation to declare the Conflict of Interest to his/her immediate supervisor (the "Reviewer") in writing, before participating in, discussing, or making any decision about the issue to which the Conflict of Interest pertains. Minor conflicts, such as those that may arise in a committee meeting, may be disclosed verbally to the chair.
2. Where an Employee is unsure of whether he/she is in Conflict of Interest, the Employee should raise the potential Conflict of Interest with the Reviewer, and the Reviewer, in consultation with Human Resources, shall determine whether or not a Conflict of Interest exists.
3. Where a Conflict of Interest is discovered after consideration of a matter, the Employee must declare the Conflict of Interest to the Reviewer in writing at the first opportunity. If it is determined by the Reviewer that involvement of the Employee influenced the decision on the matter, the matter shall be re-examined and the decision in which the Employee participated may be rescinded, varied, or confirmed.
4. Any Employee who reasonably perceives another Employee to be in Conflict of Interest is expected to identify the perceived Conflict of Interest to the Reviewer at the first opportunity. The Reviewer, in consultation with Human Resources, shall determine whether or not a Conflict of Interest exists.
5. Where an Employee is found to be in Conflict of Interest, and the Employee disagrees with the decision of the Reviewer, he/she may appeal the decision through the steps outlined in Section D below. Unless and until the appeal process reverses the Reviewer's decision, the Employee must refrain from participating in, discussing or making any decision about the issue to which the Conflict of Interest pertains.

B. Procedure for Handling Conflicts of Interest

1. The Reviewer shall consider the particulars of the situation and decide: whether a Conflict of Interest exists; whether it will be allowed to continue or must be discontinued; and, if it is to be allowed, whether conditions should apply.
2. The Reviewer, in consultation with Human Resources, will decide on a course of action for eliminating or managing the Conflict of Interest
3. In deciding on the course of action, the factors which the Reviewer will consider include:

- a. The risk that the Conflict of Interest will, in fact, arise;
 - b. The degree to which the Conflict of Interest could harm the University's reputation or educational, research, economic or other interests;
 - c. The potential for harm to the interests of the University's employees, students or other stakeholders;
 - d. The extent to which the Conflict of Interest could be eliminated, mitigated or managed through the implementation of appropriate measures or safeguards;
 - e. The rights and interests of the Employee;
 - f. The impact on the Employee's ability to satisfy his/her obligations to the University;
 - g. The consequences if the Conflict of Interest is not permitted;
 - h. The consequences if the Conflict of Interest is permitted to continue;
 - i. Any other factors the Reviewer considers relevant.
- 4. The Reviewer may request from the Employee additional information that is necessary to assess and deal with the alleged Conflict of Interest.
 - 5. The Reviewer may impose terms and conditions before permitting a Conflict of Interest to continue.
 - 6. In all cases, the Reviewer will issue a report in writing to the Employee who has declared or been alleged to be in a Conflict of Interest, setting out the issues assessed during the review, the decision made and the reasons for the decision. Where the decision is to manage the Conflict of Interest, a process for doing so will be set out.
 - 7. A decision concerning an on-going Conflict of Interest may be reviewed by the Reviewer at appropriate intervals. The original decision may be reversed or varied.
 - 8. Where a Reviewer is unable to determine an appropriate course of action, the issue will be referred to Reviewer's immediate supervisor, with a copy of the disclosure report and any related documents.

C. Disciplinary Action Associated with Conflict of Interest

Where an Employee is found to be in Conflict of Interest, the University may take disciplinary action where appropriate, up to and including termination of employment.

D. Appeal of Declaration of Conflict

- 1. Where an Employee is found to be in Conflict of Interest, and the Employee disagrees with the decision of the Reviewer, he/she may appeal the decision in writing to the Reviewer's immediate supervisor.
- 2. If the Employee remains dissatisfied after the Reviewer's immediate supervisor has rendered his/her decision, the Employee may notify the University in writing that he/she wishes to appeal the decision to an Adjudicator.
- 3. The process for appealing a Conflict of Interest finding to an Adjudicator is as follows:
 - a) The University shall appoint an Adjudicator to review and make a determination on the Employee's appeal;

- b) The University shall submit a report to the Adjudicator, with a copy to the Employee, within seven (7) days of the request for adjudication, outlining the background and the reason(s) for the Conflict of Interest finding;
- c) The Employee shall respond by submitting a report to the Adjudicator, with a copy to Human Resources, within seven (7) days of receipt of the University's report, outlining any additional or different background facts, the grounds for the appeal and the Employee's argument(s) in support of the appeal;
- d) The University shall have the right to submit a final reply within seven (7) days of receipt of the Employee's report;
- e) The Adjudicator shall review the reports submitted by the Employee and the University, , gather any additional information the Adjudicator determines is required to make an informed decision, and provide the University and the Employee with a written decision on the appeal within two (2) weeks of receipt of the University's final reply. If further review is necessary, the Adjudicator may request an extension from the University;
- f) The Adjudicator may seek to resolve the dispute through mediation at any stage of the process, if the parties consent and the Adjudicator considers it appropriate to do so.

E. Examples of Conflicts of Interest

The following examples are intended to assist in identifying Conflicts of Interest. These examples should not be considered exhaustive.

1. Interest in a Research, Business, Contract or Transaction: Entering into a research, business, contract or transaction on behalf of the University with a company or firm in which the Employee, or a Related Person has a material financial interest, or with an individual who is a Related Person.
2. Influencing Purchase of Equipment/Materials or Services: Influencing the purchase by the University of equipment, materials or services from a company or firm in which the Employee or a Related Person has a material financial interest, or from an individual who is a Related Person.
3. Acceptance of Gifts, Benefits or Financial Favours: Accepting gifts, benefits or financial favours from individuals or firms with which the University does business, or with which it is contemplating doing business. Examples of unacceptable gifts include, but are not limited to, merchandise, cash or gift certificates, excessive entertainment or substantial gifts of goods or services, or a gift or loan on preferential terms. Promotional items of a nominal value are not considered unacceptable gifts.
4. Acceptance of hospitality that or that might give the appearance of unfairly influencing a decision concerning University business, including commercial, administrative, employment related, academic or research oriented in nature or that does unfairly influence a decision.
5. Inappropriate use of Information: Using confidential information acquired as a result of an Employee's University-related activities for personal gain, or communicating such information to those not authorized to receive it. Other examples might include using knowledge of a forthcoming development at the University for personal gain, or manipulating the timing of the announcement of research results for personal gain.
6. Inappropriate use of Students, University Personnel, Resources or Assets: Directing Students, without fair reimbursement, or University personnel to carry out work for the Employee, for a company or firm in which the Employee or a Related Person has a material financial interest, or for an individual who is a Related Person. Using University resources or facilities without reimbursement, to benefit the Employee, a company

or firm in which the Employee or a Related Person has a material financial interest, or an individual who is a Related Person.

7. Inappropriate Involvement in Personnel Decisions: Participating in the appointment, reappointment, hiring, promotion, supervision, or evaluation of a Related Person, or in the renewal of a contract, discipline matters, salary decisions, leave requests, expense claims or other personnel decisions pertaining to a Related Person.
8. Undertaking external consulting, professional or other activities, which, by virtue of their time commitment, prevent the employee from fulfilling his/her obligations to the University.
9. Compromising Situations: Placing oneself in a situation where one is under an obligation to a person who might benefit or seek to gain special consideration or favour.

F. Conflicts of Interest in Outside Interests and Activities

1. The University recognizes that employees may engage in professional, technical, community and other activities to enhance their professional growth. Similarly, employees may also have alternate employment, participate in businesses or receive remuneration of funds for personal activities outside of their employment at the University.
2. Such outside activity and/or interests are generally encouraged, provided that:
 - the employee has informed their supervisor of such activity;
 - the activity does not interfere with the performance of the employee's duties as an employee;
 - the activity does not represent a conflict of interest;
 - the activity is not performed in such a way as to appear to be an official act of the University, or to represent the University opinion or policy; and
 - the activity does not negatively impact upon the University reputation or bring the University into disrepute.
3. Any use of University facilities in connection with outside work may occur only where prior approval has been obtained from the appropriate authority and the University may require full compensation for such use.

G. Post Employment Restrictions

1. If a Senior Executive (defined as the President + Vice-Chancellor, Vice Presidents and Associate Vice Presidents) had a substantial involvement in dealings with an Outside Entity (as defined by the Public Sector Employers' Act) on behalf of the University at any time during the year immediately preceding the end of the Senior Executive's employment with the University, then, for one year after the end of the Senior Executive's employment, the Senior Executive must not:
 - (i) accept an offer of employment with, an appointment to the board of directors of, or a contract to provide services to, that Outside Entity, or
 - (ii) provide consulting or other services to that Outside Entity, in connection with its dealings with the University.
2. The President + Vice-Chancellor, or the University Board of Governors if the Senior Executive is the President + Vice-Chancellor, may reduce a Senior Executive's one-year restriction, upon application, in exceptional circumstances provided that such reduction does not place the University in a compromised position.

H. Conflicts of Interest in Relationships Between Employees and Students

1. Employees must deal with Students in a fair and unbiased manner. Where possible, Employees must avoid personal relationships with Students where the existence of such a relationship could place the Employee in a Conflict of Interest.
2. An Employee will be in a position of actual or potential Conflict of Interest if the Employee is involved in instructing, evaluating or making decisions pertaining to a Student who is a Related Person.
3. If an Employee's relationship with a Student creates an actual or potential Conflict of Interest, the Employee must promptly declare the Conflict of Interest in accordance with these Procedures.
4. Even in the absence of a Conflict of Interest, Employees and Students should be aware of the perceptions of favouritism and bias that can arise from personal relationships between them.

I. Confidentiality

The handling of issues under the University's Conflict of Interest Policy and these Procedures may require the collection, use and disclosure of sensitive personal information. The University expects all participants to maintain the confidentiality of the information they receive during the course of the process. Any breach of confidentiality is considered a serious matter and may result in disciplinary action.