



Conflict of Interest Policy	
Date Approved: April 28, 2021	
Effective Date: May 1, 2021	
Date Reviewed: Fall 2020	Replaces: Conflict of Interest 2013

## Purpose

This Conflict of Interest policy (the “Policy”) provides guidance for Cambrian College (the “College”) employees concerning their obligations to avoid placing themselves in a position of potential or perceived conflict with the interests of the College. This Policy is intended to facilitate employees’ ability to maintain the highest business and ethical standards at the College.

## Definitions

**Confidential Information:** means information that is not generally known 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.

**Conflict of Interest:** means a potential, apparent or actual conflict where an Employee’s financial or other personal interest, whether direct or indirect, conflicts or appears to conflict with the Employee’s responsibility to the College, or with the Employee’s participation in any recommendation or decision within the College.

**Employee:** means a full-time, part-time or limited term College employee.

**Friend:** means a person with whom an Employee has a close personal relationship, including any relationship of an intimate and/or financial nature during the preceding five years, any student-supervisor relationship, or any other past or present relationship that may give rise to a reasonable apprehension of bias.

**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.

**Senior Team:** individuals who are employed by the College in a position reporting to the President, excluding the Executive Assistant to the President.

## Application/ Scope

This Policy pertains to any situation where an individual’s private interests may be in conflict with their responsibilities as an Employee. Perception of conflict or potential conflict as measured by a reasonable person may also constitute a Conflict of Interest for the purposes of this Policy.

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## Policy Statements

### 1. Ethical Standards

- a. Employees must act honestly and uphold the highest ethical standards in order to maintain and enhance public confidence and trust in the integrity, objectivity and impartiality of the College.

### 2. Public Scrutiny

- a. Employees are obligated to perform their official duties and conduct themselves in a manner that will bear the closest public scrutiny.
- b. Employees cannot fulfil this obligation simply by acting within the law.

### 3. Private Interests

- a. Employees should not have private interests that would be affected particularly or significantly by College actions, other than those interests permitted pursuant to this Policy, or permitted under laws or statutes.
- b. Employees must arrange their private affairs and interests to prevent a Conflict of Interest.

### 4. Public Interests

- a. If a Conflict of Interest 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.

### 5. Private Activities

- a. An Employee shall not engage in any private work or business undertaking:
  - i. That is in competition, direct or indirect, with the College.
  - ii. That is likely to result in a Conflict of Interest.
  - iii. That interferes with the individual's ability to perform their duties and responsibilities.
  - iv. In which an advantage is derived from their employment as an Employee.
  - v. In a professional capacity that will, or is likely to, influence or affect the carrying out of their duties as an Employee.
  - vi. That involves the use of College premises, equipment, or supplies without written permission from the College and due compensation at prescribed rates.
- b. 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 their supervisor.
  - i. Permission will 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.

### 6. Use of College position and Confidential Information

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- a. Employees shall not use, or seek to use, their positions or employment with the College to:
- i. Gain direct or indirect financial or material benefit for themselves, Friend or Immediate Family.
  - ii. Solicit or accept favours or economic benefits from any individuals, organization or entities known to be seeking business or contracts with the College.
  - iii. Favour any person, organization or business entity.
  - iv. 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.
  - v. Benefit directly or indirectly in return, or in consideration, for revealing Confidential Information.
  - vi. Use Confidential Information in any private undertaking in which they are involved.
  - vii. Present work as one's own and not credit the work of others who performed or contributed to the work.
  - viii. Use students or Employees, 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.

### 7. Gifts, Hospitality and Other Benefits

- a. Employees must refuse gifts, hospitality or other benefits that could influence their judgement and performance of official duties.
- b. 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.
- c. 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 or impartiality of the Employee and would not compromise the integrity of the College.
- d. When they cannot refuse unauthorized gifts, hospitality or other benefits, Employees must immediately report the matter to the Director, Human Resources. The Director, Human Resources may require that such a gift be held by the College or given to charity or such other action as they may determine.

### 8. Avoidance of Preferential Treatment

- a. An Employee shall not grant preferential treatment in relation to any official matter to any person, organization, Immediate Family or Friend. For example, awarding of preferential grading by an employee to an Immediate Family or Friend or awarding of preferential contracts by an employee to an Immediate Family or Friend in their capacity as a contractor or supplier.

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- b. All Employees are 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.
- c. An Employee shall not hire members of their Immediate Family or occupy a position where an Immediate Family member reports directly or indirectly to the Employee. All Employees applying for supervisory positions are expected to declare the existence of such a relationship with anyone to be supervised.
  - i. If an Immediate Family member applies to a position within the reporting line of an employee this application would not be considered for employment.
- d. 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. The supervisor must forward a note to this effect to Human Resources where it is to be retained.
- e. Employees involved in the contracting out or in the awarding of contracts shall not contract with members of their Immediate Family or with a Friend.
  - i. Where the potential for such situations occur, the Director, Human Resources is to be involved in discussions to resolve the Conflict of Interest, including reassignment of the reporting relationship.

**9. Procurement**

- a. An 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. An Employee shall not give Confidential Information associated with a transaction, except as required by a transaction, to any outside entity or organization.

**10. Duty to Disclose**

- a. An Employee must disclose a Conflict of Interest to their supervisor for review and resolution as soon as the Conflict of Interest arises.
- b. The supervisor is to provide a copy of the Conflict of Interest to the Director, Human Resources for record keeping.

**11. Privatization/Contracting Out**

- a. Applying the same principles and processes identified in the previous sections, 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 Immediate Family or Friend benefit, financially or materially, from the privatization/contracting out process. Benefits to such Employees must be limited to wages they receive from the College for their services.

**12. 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, dismissal.



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- b. Civil action may be taken against an individual, outside entity, or organization where failure to comply with the provisions of this Policy result in loss or damage to the College.

### 13. Protection from Reprisal

- a. The College, or person(s) acting on its behalf shall not:
  - i. dismiss or threaten to dismiss an Employee,
  - ii. discipline or threaten to discipline or suspend a staff member, or
  - iii. impose any penalty upon a staff member, if a staff member provides information relating to an alleged Conflict of Interest to an appropriate officer of the College or seeks the enforcement of this Policy through appropriate College channels.

## Responsibilities and Accountability

**Senior Team** is responsibility for

- Ensuring College-wide quality assurance and application of this Policy.

**Associate Vice President Human Resources and Student Services** is responsibility for

- Ensuring the development, review and availability of this Policy.

**Director, Human Resources** is responsible for

- Advising College administrators regarding this Policy and its requirements.
- Managing the records of Conflict of Interests.

**Supervisors** are responsible for

- Reviewing and resolving Conflicts of Interest as presented to them by their staff.
- Forwarding a copy of any Conflict of Interest to the Director, Human Resources.
- Consulting with the Director, Human Resources regarding the resolution of Conflict of Interests as required.

**Employees** are responsibility for

- Being familiar and complying with the requirements of this Policy.

## Related Procedures

N/A

## Related Policies / Directives / Regulations

Code of Conduct Policy

OPSEU Academic Collective Agreement

OPSEU Support Staff Collective Agreement

Procurement Policy

Terms and Conditions of Employment of Administrative Staff