

**HR12****Conflict of Interest**

Classification:	Human Resources
Responsible Authority:	Director, Employee and Labour Relations
Executive Sponsor:	Vice President, Human Resources
Approval Authority:	Algonquin College Executive Team
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**PURPOSE**

To establish rules of ethical conduct for College employees which ensure that their private interests do not conflict or appear to conflict with their duties and responsibilities at the College.

**SCOPE**

All College employees.

**DEFINITIONS**

<b>Word/Term</b>	<b>Definition</b>
Conflict of Interest	Any situation where personal interests of employees may be incompatible or in conflict with their responsibilities as College employees, and includes actual, potential or perceived conflicts of interest.

**POLICY**

1. The College expects its employees to act in ways that preserve and enhance the reputation and business integrity of the College.
2. The College expects its employees to conduct themselves in a transparent and accountable manner that would bear the closest public scrutiny.
3. Employees, their spouses and their dependants must not have private or financial interests that could conflict or appear to conflict with the discharge of employees' official duties.

**PROVISIONS FOR EMPLOYEES**

4. Upon joining the College and during employment with the College employees, at their own initiative, are required to disclose in writing to their immediate supervisor any business, commercial or financial interest which could be construed to be in actual, potential or perceived conflict of interest.

5. No conflict should exist or appear to exist between the personal affairs, private interests and activities of employees and their work at the College. Employees are under an obligation to manage their affairs so that no conflict or perceived conflict of interest arises.
6. Employees who hold an outside office or employment should not place themselves in a conflict of interest situation or in a position which raises doubts about their capacity to perform their College duties in an objective manner. No employee shall engage in any outside employment, involvement, or undertaking that interferes with the employee's ability to maintain competent performance of job responsibilities, or that would force an employee to cut short or minimize work commitments to the College. Employees must seek prior written consent of their Supervisor prior to taking on outside employment. The consent of the Supervisor shall not be unreasonably withheld.
7. Employees should not provide in the performance of their duties, preferential treatment to relatives or friends or to organizations in which they or their relatives or friends have an interest, financial or otherwise.
8. As it pertains to procurement, employees shall not help any outside entity or organization in any transaction or dealing with the College in any way that contravenes the provisions of this policy. Employees shall not give confidential information associated with a transaction or dealing involving the College, except as necessitated by or within the context of the transaction or dealing itself, to any outside entity or organization, before the transaction or dealing with the College is completed.
9. The College maintains a legal interest in the activities of former College employees who, because of their former College association, have privileged and confidential knowledge of College business and operations that if used or disclosed, could have a detrimental impact on the College. No employee or former employee may disclose any privileged or confidential information that is not already in the public domain without seeking explicit permission from the College to do so. It is understood that any such disclosure could have a detrimental effect on the College.

#### **EXAMPLES of CONFLICT OF INTEREST**

10. The following represents behaviours which are in direct conflict of interest with College activities. The list is not intended to be exhaustive. In the event that an employee is uncertain if a conflict exists, he or she should utilize the provisions of section 13 of this policy.

No employee shall:

- 10.1 market for personal gain the result of College-sponsored activities except where a written agreement has been reached with the College through the immediate supervisor and approved by the President.
- 10.2 use College resources (for example, facilities, materials, staff time or services) for outside or personal work without the prior approval of the immediate supervisor. If permission is granted to pursue such activity, the College is to secure adequate compensation.

- 10.3 acquire or dispose of College equipment or property for personal use or gain without obtaining the necessary approval or following the stated procedures.
- 10.4 use the College name or processes to acquire equipment or property for personal use or gain.
- 10.5 use or communicate improperly unpublished information, including the unpaid work of students or colleagues, emanating from any part of the College. This does not include the incidental reporting in conversations, lectures, articles, books or other means of communication of work in progress.
- 10.6 associate the name of the College with any outside activity or business venture or use the College address or telephone number for such a purpose.
- 10.7 associate their position held at the College with any political activity.
- 10.8 compete directly with the College in the provision of services or products under the College's mandate. Any activity deemed to represent economic competition will not be allowed.
- 10.9 own, be in a partnership or otherwise be materially involved with an outside person, agent, competitor, business, contractor or supplier that deals or competes with the College, or is seeking to secure College business, either directly or indirectly.
- 10.10 participate in any way in the selection, performance appraisal, demotion, transfer, promotion, discipline or termination of members of their family or individuals in close personal relationships.
- 10.11 accept personal gifts of products or services or other such benefits which may compromise, or give the appearance of compromising objectivity in carrying out their job.
- 10.12 as a Researcher, participate in any situation in which actions or judgment in relation to the Research Activities is, could be, or could be perceived to be, detrimentally affected by the personal, institutional or other interests, including business, commercial or financial interests.

#### **EMPLOYEE AWARENESS**

- 11. Each employee will receive the College Conflict of Interest policy in their offer of employment letter. New employees will be asked to sign the Conflict of Interest Certificate of Compliance Form (Appendix 1) which acknowledges that they have received and read the Conflict of Interest policy. If new employees declare any outside office or employment, Employee & Labour Relations will review the declaration as that office or employment may present a contravention of this policy.

12. During the course of employment, employees who believe they may be in a conflict of interest situation are required to complete the Declaration of Conflicts of Interest form (Appendix 2) and submit it to their immediate supervisor for review.
13. Upon making changes to the Policy, or as deemed necessary, the College may distribute the Conflict of Interest Policy to employees to ensure they are aware of its contents and requirements.

#### **ASSESSMENT AND RESOLUTION**

14. The College requires full disclosure of information of its employees on business, commercial or financial interests or personal relationships which could be construed to be actual, potential or perceived conflicts of interest. Initial disclosure of the interest or relationship is not considered adequate.
15. Where it is determined that a real conflict exists, the College will respond within a reasonable length of time advising of the necessary action to avoid, withdraw from, or otherwise resolve the situation.
16. Where employees are uncertain if a conflict exists, the onus is on the employee to raise the potential conflict with their immediate supervisor. Employees are required to notify their immediate supervisors of personal, business, commercial or financial interests which could be construed to be actual, potential or perceived conflicts of interest. All notification should be in writing, giving full disclosure of information regarding activities of conflict or potential/perceived conflict of interest. For the purposes of making a determination under this policy, the College may request additional information.
17. The supervisor will respond in writing within twenty (20) working days to the employee's potential conflict of interest. If the supervisor cannot provide a definite answer to the employee's potential conflict of interest, or further investigation is required, he/she will so inform the employee and provide a date by which the issue will be expected to be resolved.
18. Should the supervisor need assistance to determine whether a conflict of interest exists, the supervisor will seek clarification through the appropriate Vice President and the Director, Employee & Labour Relations. Should ambiguity still exist, the immediate supervisor may file an assessment with the Vice President, Human Resources.
  - 18.1 If a conflict is deemed not to exist, the employee will be informed in writing and a copy sent to Employee & Labour Relations to be placed in the employee's file.
  - 18.2 If a conflict is deemed to exist, the employee will be informed in writing and the supervisor will advise the employee of the necessary action to be taken to avoid, withdraw from, or otherwise resolve the situation. A copy will be sent to Employee & Labour Relations to be placed in the employee's file.

19. After a conflict of interest has been deemed to exist, the supervisor will hold a follow-up session with the employee to ensure compliance with this policy.
20. Where the supervisor or other College official becomes aware of a potential conflict of interest, the immediate supervisor will contact the employee concerned to obtain clarification of the activities in question. The employee must provide full disclosure of information about the personal, business, commercial or financial interests which have been construed as a potential conflict of interest. The supervisor will respond as described in Section 14. An employee who is in a conflict of interest situation and has failed to disclose it may be subject to disciplinary sanctions, up to and including the termination of employment.

#### REVIEW OF SUPERVISOR'S DECISION

21. An employee may request a review of the supervisor's decision about the potential conflict of interest to the next level of management. This review will be requested in writing and a written decision will be provided to the employee within twenty (20) working days.

#### FAILURE TO COMPLY

22. Failure to comply with this policy will result in disciplinary action, up to and including the termination of employment.
23. In the interest of avoiding real and potential conflict of interest situations, the College requires full disclosure of information. Failure to provide adequate information when requested to do so may result in disciplinary action, up to and including termination.
24. 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.

#### PROCESS

25. The required actions and form of investigation will in all cases depend on the circumstances, taking into consideration the nature of the conflict of interest. In some cases, not all steps will be required and in other cases, additional steps may be taken.

#### PROCEDURE

##### Action

##### Responsibility

##### **New Employees**

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| 1. Provide new employees a copy of the College Conflict of Interest policy prior to commencement of work.  | Human Resources |
| 2. Require new employees to sign the Conflict of Interest Certificate of Compliance form (Appendix 1) to acknowledge that they have received and read the Conflict of Interest policy. | Human Resources |

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| 3. | Complete the Declaration of Conflicts of Interest form (Appendix 2) to declare an actual, potential or perceived conflict of interest and return to Human Resources within fifteen (15) days of receiving the documentation. | New Employee                |
| 4. | Review the declarations submitted by new employees, consulting with the hiring manager or appropriate vice-president, as needed.   | Employee & Labour Relations |
| 5. | Inform the new employees and the immediate supervisor in writing within twenty (20) working days if a real conflict exists, and advise of the necessary action to resolve the conflict of interest.                          | Employee & Labour Relations |

#### **Existing Employees**

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| 6.  | Complete the Declaration of Conflicts of Interest form annually (Appendix 2) to declare an actual, potential or perceived conflict of interest.   | Employee  |
| 7.  | Review the Declaration submitted by the employee consulting with the immediate supervisor or appropriate vice-president, as needed.   | Employee & Labour Relations   |
| 8.  | Contact the employee to ensure full disclosure and/or clarification of activities that have been reported as an actual or potential conflict of interest. Disciplinary sanctions may result where the employee does not fully or accurately disclose information. | Immediate Supervisor  |
| 9.  | Inform the employee in writing within twenty (20) working days of the necessary action to be taken if the employee is in a potential or actual conflict of interest.  | Immediate Supervisor in consultation with appropriate Vice President or Employee & Labour Relations |
| 10. | Request a review in writing of the supervisor's decision of the potential or actual conflict of interest and the actions to be taken to the next level of management if in disagreement with the decision.  | Employee  |
| 11. | Provide a written decision within twenty (20) working days of the employee requesting a review of a conflict of interest decision.  | Immediate supervisor's Supervisor   |

#### **SUPPORTING DOCUMENTATION**

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| Appendix 1 | Conflict of Interest Certificate of Compliance |
| Appendix 2 | Declaration of Conflicts of Interest           |

**RELATED POLICIES**

HR18 Code of Conduct  
HR21 Staff/Student Personal Relationships  
RE02 Integrity in Research and Scholarly Activity  
RE05 Intellectual Property  
AD12 Travel, Meals, and Hospitality  
AD15 Employee Acceptance of Gifts  
AD19 Fraud Prevention

**RELATED MATERIALS**

None

**HR 12: Appendix 1:****CONFLICT OF INTEREST  
CERTIFICATE OF COMPLIANCE**

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Once you have read Algonquin College's policy entitled "Conflict of Interest" please sign below.

\* Please note that this acknowledgment makes any previous signed acknowledgment null and void.

I understand that this acknowledgment includes an obligation to declare any interest which may have been subject to prior approval by Algonquin College.

I acknowledge that I have read and that I understand the Conflict of Interest Policy. I undertake to comply with the provisions of this Policy and to confirm, upon request, compliance thereto or to any new version thereof.

I also acknowledge that I have received the form relating to the Declaration of Conflicts of Interest and certify that I have no conflicts of interest other than those which have been disclosed on the attached Appendix 2.

I also acknowledge that if, at any time after signing this document, I become involved in a situation that is possibly, or actually, in conflict of interest with the College, I will immediately inform the College of the situation. It is my responsibility to contact the College, in writing, to notify the College of this new possible or actual conflict of interest. I recognize that the failure to disclose this new conflict of interest may jeopardize my employment with the College.

Name of Employee: \_\_\_\_\_

Signature of Employee: \_\_\_\_\_

Date: \_\_\_\_\_



**HR 12: Appendix 2:****DECLARATION OF CONFLICTS OF INTEREST FORM**

Employee name: \_\_\_\_\_ Employee number: \_\_\_\_\_

1. In addition to my present employment with Algonquin College, I am engaged as an employee, consultant or otherwise, for a competitor, a supplier or a customer of goods or services to Algonquin College or affiliates. (Please provide details)

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2. I directly or indirectly have an interest, a business relationship or am otherwise materially involved with an outside person, agent, competitor, business, contractor or supplier that deals directly or indirectly with Algonquin College, that are potentially in conflict with the best interests of Algonquin College. (Please explain)

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3. I have personal, family or other relationships that are in conflict or are potentially in conflict with the best interests of Algonquin College. (Please explain)

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4. Other situations (Please explain)

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Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_