

Policy Number:	2001
Policy Title:	Conflict of Interest and Conflict of Commitment Policy
Approved by:	President
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Procedures are supposed to explain the HOW – what are the mechanisms to implement the associated policy. They usually outline processes that University users must follow in situations that the policy is addressing.

**1. Purpose**

- 1.1. This policy outlines the principles and framework to identify, disclose and resolve actual, perceived, or potential conflicts of interest at University Canada West (“UCW” or the “University”) promptly and appropriately.

**2. Scope**

- 2.1. This Policy applies to all University employees including those hired on an ongoing, fixed term or another contractual basis. The behaviour expected of members of the Board of Governors regarding conflicts of interest is addressed in the Board of Governors Resolutions and Minutes.

**3. Definitions**

- 3.1. These definitions apply to terms as they are used in this policy:

<b>Word/Expression</b>	<b>Definition</b>
<b>External Activity</b>	means an activity or association outside an employee’s scope of work with the University that involves a definite set of commitments or obligations on the part of the employee. This includes, but is not limited to: <ul style="list-style-type: none"> <li>a. Employment outside the University;</li> <li>b. Operation of a business outside the University;</li> <li>c. Teaching, research, or consulting activities outside the University</li> <li>d. Volunteer roles that require a regular commitment of time or other responsibilities;</li> <li>e. Serving as an officer, director, or advisory board member of an external organization; and</li> <li>f. Educational activities.</li> </ul>
<b>Personal Interest</b>	means an interest that arises from an employee’s relationship with a Related Person;

<b>Private Interest</b>	means a private, financial, or personal interest, and includes a Personal Interest;
<b>Related Person</b>	means a person who is, or within the previous five (5) years has been <ul style="list-style-type: none"> <li>a. related to the employee by blood, adoption, guardianship, marriage, or common-law marriage,</li> <li>b. a member of the employee’s household;</li> <li>c. a close personal friend of the employee, or</li> <li>d. in an amorous or intimate (including but not limited to sexual) relationship with the employee.</li> </ul>
<b>Related Entity</b>	means: <ul style="list-style-type: none"> <li>a. a public corporation of which the individual is a director or officer or the beneficial owner of more than 5% of the outstanding shares of any class;</li> <li>b. a ‘for-profit’ private company of which the individual is a director or officer;</li> <li>c. a ‘for-profit’ private company of which the individual is the beneficial owner of shares in the corporation;</li> <li>d. a society or non-profit corporation of which the individual is a director or officer; and</li> <li>e. a partnership of which the individual is a partner or of which one of the partners is a Related Entity of the individual by reason of clause (a), (b), (c) or (d) above.</li> </ul>
<b>University Resources</b>	include the human resources ( <i>e.g.</i> , working hours and time of employees, faculty, and students), physical resources ( <i>e.g.</i> , equipment, offices, facilities), and information resources ( <i>e.g.</i> , data, intellectual property) of the University.

#### **4. Key Principles: Accountability and Integrity**

- 4.1. All University Canada West employees are expected to act with integrity in the University’s best interests, supporting the University’s mission and goals, and avoiding circumstances that may place their own interests in conflict with those of the University.
- 4.2. Conflicts of interest threaten to damage the reputation of, or cause harm to, the persons involved and potentially undermine public confidence and trust in the University as a whole. The University and its employees shall take all reasonable steps to ensure that conflicts of interest do not arise.

#### **5. Conflicts of Interest**

##### **General principles**

- 5.1. While the University recognizes that employees have private lives and will have outside interests as citizens and members of the community, employees are expected to conduct their private

affairs in a manner that avoids any actual, potential, or perceived conflict between their Private Interests and their duties to the University.

- 5.1.1. A Conflict of Interest will arise in any situation where an employee's Private Interest or Personal Interest may influence or conflict with an employee's duty to act in the best interests of the University.

## **Examples of Conflicts of Interest**

### ***Gifts and Entertainment***

- 5.2. Employees must not directly or indirectly request or accept a personal gift or benefit that arises out of their employment with the University from an individual (including a student), corporation, or organization. The only exceptions are minor gifts and token courtesies which do not place or have the appearance of placing the employee under any obligation to the outside party.
- 5.3. When an employee is in doubt as to whether to accept a gift, the employee should discuss the situation with their supervisor.

### ***Personal Relationships at Work***

- 5.4. Conflicts of interest arising out of close personal relationships in the workplace must be avoided. Employees must never have influence, input, or decision-making over the hiring, supervision, evaluation, promotion, discipline, dismissal, or establishment of terms and conditions of employment of a Related Person. This includes, but is not limited to, influence over the engagement, evaluation, or retention of a Related Person who is a contractor or other person with whom the University conducts business.
- 5.5. Employees must not participate in personnel decisions pertaining to Related Persons.
- 5.6. Employees and their Related Persons must not be employed or retained in positions where the working relationship affords an opportunity for collusion between them.
- 5.7. The above restrictions on working relationships may be waived at the discretion of the University, provided that the Personal Interest is disclosed and that sufficient safeguards are in place to ensure that the University's interests are not compromised.

### ***Relationship with Students***

- 5.8. Faculty members and other University employees who are responsible for dealing with students have a duty to act in a fair, objective, and unbiased manner at all times.
- 5.9. Given the imbalance of power inherent in relationships between an employee and a student, employees must avoid situations where the employee is responsible for instructing, evaluating, or otherwise dealing with a student who is a Related Person.

- 5.10. Any employee who has influence, input, or decision-making power over a student's instruction, evaluation, academic interests, or other matters must not become involved in a business, financial or close personal relationship with a student for the duration of their professional, supervisory, or evaluative role.
- a. It is a breach of trust for a faculty member or other University employee to enter a romantic or intimate relationship with a student, regardless of whether that relationship is consensual, in circumstances where the student may be vulnerable because of the employee's position of power.
  - b. Any actual or potential conflicts of interest arising from a business, financial, or close personal relationship with a student must be reported immediately to the employee's Supervisor and managed in accordance with this Policy.

***University Personnel, Resources or Assets***

- 5.11. Employees must not use the University's students, employees, resources, intellectual property, instructional materials, facilities, or assets for the Personal or Private Interests of the employee, a Related Person, or a company or organization in which the employee has a Private Interest, without first disclosing the use under this Policy and obtaining the written authorization from the University.

***Influence or Personal Gain***

- 5.12. Employees must not use their position with the University for personal advantage or gain.
- 5.13. An actual or potential conflict of interest must be declared and managed before an employee:
- a. purchases or influences the purchase of equipment, supplies, or services from the employee, a Related Person, or a company or organization in which the employee has a Private Interest;
  - b. sells, transfers, or disposes of University assets to the employee, a Related Person, or a company or organization in which the employee has a Private Interest;
  - c. selects or influences the selection of textbooks or other instructional aids for a course, where the employee, a Related Person, or a company or organization in which the employee has a Private Interest or will receive revenue from the sale of the textbook or instructional aid; or
  - d. receives payment from an outside source for work that is part of the employee's duties and responsibilities.

***Inappropriate Use of Information***

- 5.14. Employees must not communicate or use confidential or privileged information acquired through their University activities to obtain or seek a Private Interest for the employee or a Related Person, or for other unauthorized purposes. This may include knowledge regarding third parties, contractor or sub-contractor selection, procurement, and other developments.

**6. Conflicts of Commitment**

- 6.1. University employees must, at all times:
- a. devote all their time and attention, and provide their best efforts, skills, and talents, to the business of the University during the employee's working hours;
  - b. faithfully, honestly, and diligently perform the employee's duties and responsibilities;
  - c. deal in good faith with the University and its Board members, employees, students, and other stakeholders; and
  - d. act in the best interests of the University.
- 6.2. A Conflict of Commitment will arise when University Resources are used for External Activities.
- 6.3. A Conflict of Commitment occurs where:
- a. an employee is, or might reasonably be perceived to be, engaging in External Activities that conflict with the obligations described above or that, by virtue of their nature or time commitment, prevent the employee from fulfilling their obligations to the University;
  - b. involvement in an External Activity or an association with a third party places a University employee in a position of divided loyalty between the mission and interests of the University, including their duties to the University, and the interests of the external organization; or
- 6.4. No employee will, without the prior written authorization of the University, engage in any activity that conflicts or competes with the University, or which materially encroaches on the time or attention which should be devoted to the University, or affects the employee's ability to fully discharge their University responsibilities.
- 6.5. While situations involving Conflicts of Commitment are most applicable to full-time employees, part-time employees are also required to ensure that they can devote the time and attention required to fulfill their duties and responsibilities as employees of the University.

**7. Disclosure and Mitigation of Conflicts of Interest and Commitment**

- 7.1. Employees are expected to arrange their private affairs in a manner that prevents Conflicts of Interest and Conflicts of Commitment from arising.
- 7.2. If an employee is or becomes aware of any actual, perceived, or potential Conflict of Interest or a Conflict of Commitment involving themselves or another employee, the employee has a duty to disclose the details to their Supervisor and Human Resources at the earliest possible opportunity. Disclosure is required before the employee engages in an activity that may create a conflict.
- 7.3. If an employee is unsure whether a particular situation presents an actual, perceived, or potential Conflict of Interest or a Conflict of Commitment, the employee should discuss the matter with their supervisor and Human Resources.
- 7.4. If the University determines that an actual, perceived, or potential Conflict of Interest or a Conflict of Commitment exists, the University will take appropriate steps to avoid or manage the conflict.

**8. Responsibility**

- 8.1. The Executive Director, People & Culture (Human Resources) has responsibility for the decisions related to this Procedure for non-faculty employees.
- 8.2. The Vice-President, Academic has responsibility for the decisions related to this Procedure for faculty members.

**Related policies**

<b>Policy Number</b>	<b>Policy Title</b>
2001p	Conflict of Interest and Conflict of Commitment Procedures
8003	Standard of Conduct Policy
8003p	Standard of Conduct Procedure
	Employee Handbook