



HR XX Conflict of Interest Policy

Classification:	Human Resources
Responsible Authority:	Director of Human Resources
Executive Sponsor:	Vice President Finance & Administration
Approval Authority:	President
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PURPOSE

The purpose of this policy is to clarify St. Francis Xavier University's expectations for employees who may become involved in situations which cause, or could potentially cause, a conflict of interest. Early disclosure of a potential or actual conflict of interest is key to successful resolution of the matter.

SCOPE

This policy applies to all employees of the University.

DEFINITIONS

Conflict of Interest: A conflict of interest exists in any situation where there is a potential divergence between an employee's personal interests and their obligations to the University, such that a reasonable person would question whether the employee's behavior or decisions are in any way motivated by considerations of personal interest, financial or otherwise. A conflict of interest may be real, perceived or potential. A conflict of interest does not necessarily imply wrongdoing, as a conflict of interest depends upon the circumstances and not on the character of an employee.

Conflict of Commitment: A conflict of commitment exists when an employee's external activities or commitments, whether paid or volunteer, interfere with their primary responsibilities to the University because they detract from rather than enhance the employee's ability to meet those responsibilities. A conflict of commitment may be real, perceived or potential.

Conflict: A real, perceived, or potential Conflict of Interest or Conflict of Commitment.

Employee: Any person employed by the University or conducting business or activity in the name of the University.

Family Member: a spouse, partner, parent, child, step child, sibling, or grandparent.

Personal Relationship: A Family Member of the Employee or person with whom there exists, or has recently existed, an intimate personal relationship with the Employee.

Supervisor: The person to whom an employee reports within the organization. In the case of Academic employees, this would be the Dean of their respective Faculty. For Coady Institute employees this would be the Executive Director of the Coady Institute. In the case of the President, this would be the Chair of the Board of Governors.

POLICY

- 1.1 The University holds itself and its employees to the highest ethical standard. To maintain public and professional trust and confidence, the University must deal with Conflicts in a fair, consistent and practical way.
- 1.2 Employees are expected to identify and avoid Conflicts.
- 1.3 Employees are expected to disclose Conflicts to their supervisor immediately upon discovery, and to subsequently resolve Conflicts with the University.

PROCEDURE

- 2.1 Employees have an obligation to provide full written disclosure to their Supervisor of all relevant information, as soon as they are reasonably aware that a Conflict may exist.
- 2.2 If the Supervisor has an interest in the matter to be discussed, the disclosure shall be made to either the person at the next higher level of authority or Human Resources, who will refer it to the person at the next higher level of authority.
- 2.3 It is recognized that in some situations there may be legitimate doubt as to whether a Conflict exists, in which case, discussion with the Supervisor and Human Resources may clarify the issue and/or lead to a resolution. If the Supervisor, in consultation with Human Resources, determines there is no Conflict, the Supervisor shall keep a record of the discussion. If the Supervisor, in consultation with Human Resources, determines there is a Conflict, the Employee will be directed to provide full written disclosure to their Supervisor of all relevant information.
- 2.4 The Supervisor, in consultation with Human Resources, shall determine whether there is a Conflict and determine the way to avoid or deal with the matter (see examples attached as Appendix 1).
- 2.5 The decision on whether there is a Conflict and resolution of the matter shall be confirmed in writing to the Employee with a copy to Human Resources.

- 2.6 The existence of the Conflict does not necessarily preclude the involvement of the individual in the situation where the Conflict has arisen or may arise. The Conflict must be formally declared in advance by the Employee in writing and resolved by the Supervisor in consultation with Human Resources.
- 2.7 Guidance on appropriate actions that might be considered to resolve a Conflict is available through Human Resources. Such resolution may include, but is not restricted to, recusal of the employee from participating in the matter; denial of approval to hire a family member; and termination of contract arrangements.

REVIEW OF DECISION

- 3.1 An Employee who disagrees with the decision of the Supervisor may request a review of the decision by the Vice President responsible for their operational area. If the original decision was made by a Vice President then the appeal will be made to the President or designate.
- 3.2 The person hearing the review shall decide whether to receive submissions in writing or verbally. The decision shall be in writing and is final and binding subject to provisions of any applicable collective agreement.

FAILURE TO COMPLY WITH POLICY

- 4.1 Failure to disclose a Conflict or failure to abide by the decision made pursuant to this Policy may result in disciplinary action being taken, up to and including termination of employment. Disciplinary action shall be in accordance with the terms of the Employee's collective agreement, if applicable. The University reserves the right to recover any financial benefit received by an Employee as a result of non-compliance with this Policy.

CONFIDENTIALITY

- 5.1 All information, reports and resolutions disclosed and determined in accordance with this policy will be held in confidence within the employee's personnel file.

SUPPORTING DOCUMENTATION

Appendix 1 Examples of Conflict of Interest

RELATED POLICIES

RELATED MATERIALS

HR XX: APPENDIX 1

There are many situations that may lead to a Conflict of Interest or Conflict of Commitment. The examples listed below, while not a comprehensive list, illustrate situations which may lead to a Conflict that should be avoided or if not possible to avoid, disclosed and managed.

EXAMPLES OF CONFLICT OF INTEREST

1. Entering into a research, business or other contract/transaction on behalf of the University with a company or firm in which the Employee, or a person with whom the Employee has a Personal Relationship, has a financial interest.
2. Authorizing, influencing, or participating in the purchase of equipment, materials, services or real property using University funds, or with funds administered by the University, from a source in which the Employee, or a person with whom the Employee has a Personal Relationship, has a financial interest.
3. Accepting gifts, benefits or favours from individuals or firms with which the University does business, with the exception of minor gifts as token courtesies. Employees should be aware that vendors or suppliers provide gifts, services or entertainment (meals, tickets to sports events, etc.) as part of their marketing or promotion efforts. These expenditures are often made by the vendor or supplier with the expectation that they will be rewarded with increased sales. Consequently, all employees must disclose to their supervisor, all offers of gifts, services or entertainment* with a value greater than \$50. In addition, frequent offers of gifts, services or entertainment, regardless of value, from a single vendor should be disclosed and discussed with the Supervisor to ensure that the interests of the University are not compromised by a perceived or actual conflict. Where acceptance of any of the above offers, is deemed inappropriate or likely to produce a Conflict of Interest, the gift, service or entertainment is to be refused and/or returned.

*In the case of an occasional business meal, disclosure to a supervisor is not required.
4. Directing students or other employees to carry out work for a company or firm in which the supervising Employee, or a person with whom the Employee has a Personal Relationship, has a financial interest.
5. Using University resources (including equipment, supplies, services or facilities) for the personal benefit of the Employee, or a person with whom the Employee has a Personal Relationship, without the prior approval of the University. Costs for such equipment, supplies, services or facilities shall be borne by the Employee at prevailing rates set by the University, unless the University agrees in writing, to waive all or part of such costs.
6. Participating in the appointment, hiring, promotion, supervision or evaluation of a person with whom the Employee has a Personal Relationship or a business relationship.

7. Using for personal gain, or other unauthorized purpose, information acquired as a result of the employee's University activities which is not available to the general public; such information might include, for example, knowledge of forthcoming developments requiring contractor or consultant selection or bulk purchases.
8. Using intellectual property acquired or developed using University resources for personal gain unless permitted by an applicable Collective Agreement or employment contract.; Intellectual property includes software tools or programs, or specialized pieces of equipment developed in the course of employment.

EXAMPLES OF CONFLICT OF COMMITMENT

1. Undertaking outside employment which interferes with the performance of University duties and responsibilities.
2. For employees that have a regular work day, carrying out work for an outside employer or for an Employee's own personal or Family business during their regular working day at the University.
3. Personal interests such as volunteerism whose time commitments are such that they interfere with the performance of University duties and responsibilities.