



COLLEGE OF THE NORTH ATLANTIC

OPERATIONAL PROCEDURE

TOPIC: CONFLICT OF INTEREST

Policy No.	HR-401-PR	Division	Human Resources
Supersedes	n/a	Board Policy Ref.	BP-HR-401B
Related Policy	HR-401	Effective Date:	February 9, 2011 (R1)

PROCEDURE

1.0 Definitions

College	Refers to College of the North Atlantic.
Board	Refers to the Board of Governors of the College.
Conflict of Interest	A circumstance whereby the personal interests of employees or their relatives will benefit or be perceived to benefit as a result of the employees' official positions, actions or influences, or when the interests of the College are sacrificed to the benefit of those personal interests.
Employee	Refers to all staff of the College, including the President.
Employer	Means the College.
Outside Employment or Interest	Means any activity outside of the duties and responsibilities associated with the employees' positions with the College for which the employees or relatives would expect to receive compensation by way of a salary, dividend, commission, fee or benefit in kind.

Relative	Means the spouse, parents, brothers, sisters and children of the employees, and/or their spouses.
Staff	Means all management, faculty and support staff of the College.

2.0 Administration

The President is charged with the administration of these guidelines for all employees while the Board will administer these guidelines as they relate to the President.

3.0 Disclosure

- 3.1 Employees' letters on initial appointment or to a new position from Human Resources must be accompanied by the College's Conflict of Interest Policy. Employees will be asked to sign the Conflict of Interest declaration form (see attached) and acknowledge that they have received and read the College's Conflict of Interest policy.
- 3.2 All employees shall review their obligations as necessary and at least yearly to reflect any change in their activity, financial interests or duties and responsibilities which could give rise to a real, potential or perceived conflict of interest under these guidelines.
- 3.3 Employees must be concerned with the need to avoid real, potential or perceived conflicts of interest and therefore before engaging in any consulting, instruction, training, other professional activities, outside employment or related work, employees must provide a revised conflict of interest form to ensure that the outside activity does not create a real, apparent or potential conflict of interest.
- 3.4 Written approval from the President is required before employees can engage in the outside activity referred to in 4.2
- 3.5 If employees fail to inform their supervisor and the President of a real, apparent or potential conflict of interest, such failure may result in disciplinary action being taken against the employees which may include education, oral or written warning, suspension or termination of employment.
- 3.6 To preserve the confidentiality of information contained in annual or other reports, as referred to above, all such information will be treated as privileged information by the President or delegate and will not be

disclosed to third parties without the written consent of the employees concerned.

- 3.7 Employees are required to disclose in writing to the President any situation where an association, proprietorship, partnership or company, in which the employees or relatives of the employees have an interest, except companies whose shares are publicly traded, plans to bid on a contract with the Employer for the supply of goods or services to the Employer or the purchase of goods or services from the Employer.
- 3.8 The College will conduct its normal business operations in support of education training and the onus is on employees to inform the President in writing if such normal business has caused or will cause a real, apparent, or potential conflict of interest situation. The employee will then withdraw from the discussion/decision-making process.
- 3.9 If employees fail to inform their supervisor and the President of a real, apparent or potential conflict of interest with respect to the awarding of any contract for goods or services, the College reserves the right to immediately terminate the contract without financial penalty to the College and the employees shall indemnify the College with respect to any suit, debt, action, cause of action, damages, or claims arising out of the termination of the contract.

4.0 Outside Employment

- 4.1 Employees shall be free to engage in any activities outside employment (consultation, instruction, training and other professional activities or related work) and interest to the extent that the outside employment and interests do not interfere with the performance, duties and responsibilities of the employee to the Employer, does not directly or indirectly compete with the provision of services or products under the College's mandate, does not result in any real, apparent, or potential conflict of interest with the College and does not exploit the employee's connection with the College.
- 4.2 If employees are major stockholders in a company that the employees' research helped establish, or perform outside work, and interference with performance of work time develops as a consequence of this relationship, employees shall be notified, in writing, by the supervisor that a real or perceived conflict of interest exists and employees shall have fourteen (14) days to resolve the issue. If unresolved, the President shall rule. If the ruling is unsatisfactory, the Appeal Process (12.0) is open to employees.
- 4.3 If employees are major stockholders in a company that the employees' research helped to establish, the College will not hold investments in that company. It follows that employees must be responsible for informing the

President in writing of any such relationship if the College is to avoid being in business with a member of its staff.

- 4.4 Employees will not conduct College research financed by a company in which employees have a major equity interest.

5.0 Contracts

- 5.1 College employees or relatives or bodies or organizations in which any of them have a financial interest, including a proprietorship, partnership or company except whose shares are traded publicly, shall not, without first obtaining approval of the President, be eligible to receive from the College or from any government department acting on behalf of the College, any of the benefits as follows:

- A contract for the supply of goods and services;
- A contract to construct, maintain or repair a public work;
- Receive financial assistance for commercial purposes by way of grants, loans, guarantees, subsidies or otherwise.

- 5.2 Employees who wish to bid for College contracts shall inform their supervisor requesting that approval be obtained from the President.

- 5.3 The supervisor of employees who wish to bid on College contracts shall report to the President on whether and to what extent there is any relationship or conflict of interest, actual or potential, between the proposed benefit and the employees' official duties, and the President shall take the report of the supervisor into account in deciding whether to grant approval.

- 5.4 If, in the opinion of the President, the contract would constitute a real, apparent, or potential conflict as objectively determined, then the employees will not be permitted to contract with the College.

- 5.5 To do business with the College, employees must have the approval of the President.

6.0 In-House Contracting

- 6.1 If the nature of the service to be provided is within the scope of the employees' normal duties, the decision to expand or retain a contractual service rests solely with the College.

- 6.2 Employees possessing specified, specialized skills or qualifications may be utilized to perform work for the College providing such work is performed on written cost agreement, outside normal working hours and providing the cost does not exceed \$1,000 in labour and materials.

- 6.3 Above the \$1,000 limit, regular tendering will occur and all employees will have equal opportunity to compete as an outside supplier provided the regulations under 3.4 are met.
- 6.4 Employees intending to submit a written proposal in the above category shall not be involved in the development of specifications or evaluation of proposals.

7.0 Employer Information and Facilities

- 7.1 Employees shall not, without the express written approval of the President, and at rates of compensation prescribed by the President, use the Employer's facilities or any information obtained during the course of engagement with the Employer, unless such information is available to the general public in any event, for personal benefits or for the benefit of relatives, or a proprietorship, partnership or company in which either of them has an interest.
- 7.2 When engaging in outside employment and interest, employees shall not use the Employer's name or the fact that they hold a position with the Employer in a manner which attempts to benefit, or gives the appearance of an attempt to benefit, the employees' outside employment or interests.
- 7.3 The College's Information System (telephone, facsimile, computers and human resources) is for the benefit of faculty, staff and students and is intended to enhance their work environment and to provide relevant information. When engaging in outside employment or interest, employees shall not use E-mail, URL or other addresses on the College's system, telephones, facsimiles, computers, human resources or any other College resource.

8.0 Gifts, Hospitality and Other Benefits

Employees or relatives of employees shall not accept any personal gifts, hospitality, benefits or favours arising out of activities associated with the performance of the employees' duties and responsibilities or in return for services provided by the employees during the course of employment, other than gifts of nominal value, within the bounds of propriety and presented as a normal expression of courtesy or within normal standards of hospitality or protocol. Employees or relatives of employees shall not accept any personal gifts, hospitality, benefits or favours which will be such as to bring suspicion on the employees' objectivity and impartiality or which would compromise the integrity of the College. In any event, employees shall advise the President in writing of the nature of the gift, hospitality or benefit and the particulars of its presentation.

9.0 Employment of Relatives

Employees shall advise the President in writing of situations which involve the appointment of relatives to positions within the employ of the Employer, and shall absent themselves from any involvement in the recruitment and selection process.

10.0 General

10.1 Employees shall not use information acquired during the course of their College duties which information is not generally available to the public for the benefit or furtherance of the employees' own private affairs or furtherance of the private affairs of any other person/s.

10.2 Employees shall not accord, in the performance of College duties, preferential treatment to immediate relatives or to organizations in which the employees or the employees' immediate relatives are members or have an interest, financial or otherwise.

10.3 Employees shall disqualify themselves from participation in the process of appointments and promotions of College staff where the employees may be in a position to influence in any way the decision to appoint or promote a relative.

11.0 Procedure for Disclosing Conflict of Interest

These procedures prescribe the means for disclosing and assessing conflicts of interest. Potential conflicts of interest may be averted by the completion of the Conflict of Interest Declaration/Request for Clarification Form (COI). (See attached).

11.1 Three occasions on which COI forms are to be completed include:

- a) All employees complete a COI form when hired;
- b) All employees complete a COI form on their annual anniversary date. The list of which will be verified by Human Resources once a month.
- c) All employees complete a COI whenever they believe their personal circumstances have changed.

11.2 The procedure for review of the COI forms is as follows:

- a) The immediate supervisor (HL staff member) reviews and signs the form as confirmation that they consider it to be accurate and truthful to the best of their knowledge;

- b) All COI forms are submitted to campus/regional Human Resources manager for review and placement in employee’s personal file.

11.3 Procedure for Handling Potential Conflicts of Interest:

- a) All COI forms with “section B” completed are investigated by supervisor/regional HR manger and one page is completed and signed by supervisor/regional HR manager.
- b) All COI forms with “section B” completed and briefings not attached are sent by supervisor/regional HR manager to Executive Director of Human Resources and General Counsel
- c) The Executive Director of Human Resources and General Counsel review COI forms and briefing notes, investigate further if required and recommend approval or action to the President.
- d) The President approves the COI or requires action of the employee.

12.0 Penalty

The President shall determine the penalty and/or discipline to be imposed on an employee for violation of these guidelines, which penalty or discipline may include education, oral or written warning, suspension or termination of employment.

13.0 Appeals

Should an employee wish to appeal a decision of the President made pursuant to these guidelines, such appeal shall be made in writing to the Board of Governors, within 90 days of the receipt of the decision made by the President.

Approval History	
Approved by President	June 17, 1997
Revision 1	February 9, 2011
Next Review	February 2014