



COLLEGE OF THE NORTH ATLANTIC

OPERATIONAL PROCEDURE

TOPIC: CONFLICT OF INTEREST

Procedure No.	HR-401-PR	Division	Human Resources
Related Policies	HR-408 HR-414 CS-318 PA-601	Board Policy Ref.	GP-GR-801 & GP-RR-904
Related Policy	HR-401	Effective Date:	November 16, 2023 (R4)

PROCEDURE

1.0 Definitions

Conflict of Interest	A circumstance whereby the personal interests of employees or their family members will benefit or be perceived to benefit as a result of the employee's official position, actions or influences, or when the interests of College of the North Atlantic are sacrificed to the benefit of those personal interests.
Employee	Refers to all management, faculty, and support staff of the College of the North Atlantic.
Family member	A person who is: <ul style="list-style-type: none">i. the employee's spouse or cohabitating partner;ii. a minor child of the employee, or a minor who is dependent primarily on the employee or the employee's spouse/partner, for financial support;iii. a relative of the employee or the employee's spouse/partner who lives as part of the employee's household and is primarily dependent upon the employee or their

spouse/partner for financial support.

Favouritism	The more favourable treatment of one or more persons at the expense of, or to the detriment of, another for reasons other than work-related skills or other objective and relevant qualifications.
Outside Employment or Interest	Any activity outside of the duties and responsibilities associated with the employee's position with the College of the North Atlantic.
Spouse	A person to whom the employee is married, unless they have made a separation agreement or their support obligations and family property have been dealt with by a court order.

2.0 Administration

The President is charged with the administration of this Procedure for all employees while the Board of Governors (Board) will administer Conflict of Interest guidelines as they relate to the President and Board members (see GP-GR-801).

The President, upon receipt of a Conflict of Interest (COI) declaration, will assign the initial review to a COI Advisory Committee which will be made up of both the Associate Vice President of Human Resources and the General Counsel.

3.0 Disclosure

- 3.1 Employees, upon initial appointment, will be informed of the College of the North Atlantic (CNA)'s Conflict of Interest Policy (the Policy) and Procedure and their responsibility to familiarize themselves with, and comply with them.
- 3.2 It is the responsibility of all employees to review their obligations as necessary and regularly reflect upon 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 and to submit a COI declaration as necessary.
- 3.3 Employees must be concerned with the need to avoid real, apparent, or potential conflicts of interest; therefore, before engaging in any consulting, instruction, training, other professional activities, outside employment, or related work, employees must provide CNA with a revised COI declaration to ensure that the outside activity does not create a real, apparent or potential conflict of interest. The COI declaration form is available through

the Human Resources Information System (HRIS) in the '[Self Service](#)' area.

- 3.4 If employees fail to inform the President of a real, apparent, or potential conflict of interest, such failure may result in disciplinary action being taken.
- 3.5 To preserve the confidentiality of information contained in the COI declaration and related documentation, the President or delegate will not disclose the information to third parties without the written consent of the employee(s) concerned, or as otherwise authorized under the *Access to Information and Protection of Privacy Act, 2015*.
- 3.6 Employees are required to disclose in writing to the President, by submission of a COI declaration form, any situation where an association, proprietorship, partnership, or company, in which the employees or family members of the employees have an interest (except companies whose shares are publicly traded) plans to bid on a contract with CNA for the supply of goods or services to CNA or the purchase of goods or services from CNA.
- 3.7 The onus is on employees to inform the President, through submission of the COI declaration form, if CNA's business activities have caused or will cause a real, apparent, or potential conflict of interest situation for the employee. The employee will then withdraw from the discussion or decision-making process.
- 3.8 If an employee fails to inform the President of a real, apparent, or potential conflict of interest with respect to the awarding of any contract for goods or services, CNA reserves the right to immediately terminate the contract without financial penalty to CNA.

4.0 Outside Employment or Interest

- 4.1 Employees are free to engage in any activities, outside employment (e.g., consultation, instruction, training and other professional activities, or related work) and interests to the extent that the outside employment and interests:
 - Does not interfere with the performance, duties, and responsibilities of the employee to CNA;
 - Does not interfere with the delivery of core responsibilities of faculty employees to CNA's students;
 - Does not directly or indirectly compete with the provision of services or products under CNA's mandate;
 - Does not result in any real, apparent, or potential conflict of interest with CNA; and/or
 - Does not exploit the employee's connection with CNA.

The onus is on employees to inform the President, through submission of the COI declaration form, should any current or intended outside employment or interest not clearly comply with the above conditions and require clarification.

5.0 Contracts

5.1 CNA employees or their family members, or organizations in which they have a financial interest, including a proprietorship, partnership, or company (except whose shares are traded publicly) shall not, unless the employee has first obtained approval of the President, be eligible to receive from CNA or from any government department acting on behalf of CNA, any of the following benefits:

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

5.2 Employees who wish to bid for CNA contracts shall inform the President by means of a COI declaration requesting that approval be obtained.

6.0 College of the North Atlantic Information and Facilities

6.1 Employees shall not, without the express written approval of the President, and at rates of compensation prescribed by the President, use CNA's facilities for personal benefits or for the benefit of family members, or a proprietorship, partnership, or company in which either of them has an interest.

6.2 Employees shall not, without the express written approval of the President, use any information obtained during the course of engagement with CNA, unless such information is available to the general public in any event, for personal benefits or for the benefit of family members, or a proprietorship, partnership, or company in which either of them has an interest.

6.3 When engaging in outside employment and interest, employees shall not use CNA's name or the fact that they hold a position with CNA in a manner which attempts to benefit, or gives the appearance of an attempt to benefit, the employees' outside employment or interests.

6.4 CNA's information systems (telephone, facsimile, computers, and human resources) are for the benefit of employees and students and are 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 CNA's system, telephones, facsimiles,

computers, human resources, or any other CNA resource except as provided in the Electronic Mail (Email) & Internet Usage Policy (IS-502) and Procedure (IS-502-PR).

7.0 Gifts, Hospitality, and Other Benefits

Employees or their family members 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 their family members shall not accept any personal gifts, hospitality, benefits, or favours which may bring suspicion on the employees' objectivity and impartiality or which would compromise the integrity of CNA. 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.

7.1 Situations where it may be impossible to decline a gift, hospitality, or other benefit due to protocol or social obligation:

Employees are to seek written direction from CNA where it is impossible to decline gifts, hospitality, or other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to CNA to warrant acceptance of certain types of hospitality. The COI declaration form may be used to request clarification from the President's office.

8.0 Employment of Family Members

8.1 Employees shall not accord, in the performance of CNA duties, preferential treatment, or favouritism to family members or to organizations in which the employees or the employees' family members are members or have an interest, financial, or otherwise.

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

9.0 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 COI declaration.

9.1 Completion of the COI declaration form

All employees shall complete a COI declaration whenever they believe their personal circumstances may create a real, apparent, or potential conflict of interest situation. The electronic form is readily available within CNA's HRIS (in the '[Self Service](#)' area).

9.2 Procedure for Handling Potential Conflicts of Interest

- a) All COI declarations with a request for clarification completed by the employee, within CNA's HRIS system (in the '[Self Service](#)' area), will be sent to the employee's immediate supervisor for review and comment.
- b) All COI declarations with a request for clarification completed and comments from the supervisor included are to be sent within CNA's HRIS system (in the '[Self Service](#)' area) by the supervisor directly to the President's Office and then to the COI Advisory Committee.
- c) The COI Advisory Committee shall review each COI declaration and any briefing notes, investigate further if required, and then recommend approval or action to the President.
- d) The President responds to the employee in writing, either approving the continuance of the situation described in the COI declaration or requiring specific action on the part of the employee. Distribution of the President's response letter is to the employee, with copy to the employee's supervisor.

9.3 Procedure for Retention of the COI Documents

All COI declaration forms submitted will be retained in CNA's HRIS system, with a copy of only the President's response letter being retained in the employee's personnel file following disposition and resolution.

10.0 Appeals

As "public office holders" under the *Conflict of Interest Act, 1995*, employees may appeal a decision made by the President under s. 17 of that *Act* within 30 days of the decision being communicated to the employee.

11.0 Penalty

If an employee fails to declare a situation where a real, apparent, or potential conflict of interest may exist, or if the employee fails to follow the President's

instructions related to a declared COI circumstance, the President shall determine the discipline to be imposed on an employee for violation of these guidelines.

12.0 Related Policies

HR-408	Political Activity
HR-414	Employee Discipline
CS-318	Purchasing
PA-601	Access to Information Request
GP-GR-801	Conflict of Interest
GP-RR-904	Role of the President

13.0 Further Information

For further information about this Policy and/or its related procedures, contact the Associate Vice President of Human Resources' office or send an email to COI@cna.nl.ca.

Approval History	
Approved by President	June 17, 1997
Revision 1	February 9, 2011
Revision 2	February 19, 2016
Revision 3	November 4, 2016
Revision 4	November 16, 2023