



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 CS-321	Board Policy Ref.	GP-GR-801 & GP-RR-904
Related Policy	HR-401	Effective Date:	November 4, 2016 (R3)

PROCEDURE

1.0 Definitions

Board	Refers to the Board of Governors of the College.
College	Refers to College of the North Atlantic.
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 the College are sacrificed to the benefit of those personal interests.
Employee	Refers to all staff of the College.
Employer	Means the College.
Family member	Means 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	Means any activity outside of the duties and responsibilities associated with the employee's position with the College.
Spouse	Means 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.
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 Conflict of Interest guidelines as they relate to the President and Board members (see GP-GR-801).

The President will assign the initial review of all Conflict of Interest (COI) declarations to a COI Advisory Committee which will be made up of both the Executive Director of Human Resources and the General Counsel.

3.0 Disclosure

- 3.1 Employees, upon initial appointment, will be informed of the College's Conflict of Interest 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 declaration.

- 3.3 Employees must be concerned with the need to avoid real, apparent or potential conflicts of interest and therefore, before engaging in any consulting, instruction, training, other professional activities, outside employment or related work, employees must provide the Employer with a revised Conflict of Interest declaration to ensure that the outside activity does not create a real, apparent or potential conflict of interest. The declaration form is available through the Human Resources Information System (HRIS '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 (ATIPP)*.
- 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 the Employer for the supply of goods or services to the Employer or the purchase of goods or services from the Employer.
- 3.7 The onus is on employees to inform the President, through submission of the COI declaration form, if the College'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, the College reserves the right to immediately terminate the contract without financial penalty to the College.

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 the Employer;

- Does not interfere with the delivery of core responsibilities of faculty employees to the College's students;
- 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/or
- Does not exploit the employee's connection with the College.

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 will require clarification.

5.0 Contracts

5.1 College 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 the College or from any government department acting on behalf of the College, any of the following benefits:

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

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

6.0 Employer 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 the Employer'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 the Employer, 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 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.
- 6.4 The College's information systems (telephone, facsimile, computers and human resources) are for the benefit of faculty, staff 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 the College's system, telephones, facsimiles, computers, human resources or any other College 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 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.

- 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 the Employer 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 the College 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 College 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 College 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 Conflict of Interest declaration form (COI).

9.1 Completion of the COI declaration form

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

9.2 Procedure for Handling Potential Conflicts of Interest

- a) All COI forms with a request for clarification completed by the Employee are to be sent to the employee's immediate supervisor for review and comment.
- b) All COI forms with a request for clarification completed and comments from the supervisor included are to be sent by the supervisor directly to the COI Advisory Committee (Executive Director of Human Resources and General Counsel).
- c) The COI Advisory Committee shall review each COI form 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 forms submitted will be retained in Human Resources' COI records, and the COI Advisory Committee's files, 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
CS-321	Access to Information and Protection of Privacy
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 Executive Director 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