

## 3.30 - Conflict of Interest - Policy

Section: Human Resources  
Subject: Conflict of Interest  
Policy: 3.30  
Approved: February 2, 2009  
Revised: May 21, 2013  
Revised: November 1, 2015

### Preamble

Carlton Trail College supports the right of employees to be involved in community projects and activities as citizens of the community.

Notwithstanding this principle, employees should bear in mind that Carlton Trail College is entrusted with the protection of the public interest in many significant areas of the provincial post-secondary education system. In view of the importance of this trust, it is essential that employees maintain high standards of honesty, integrity, and good conduct. Employees must be aware of the need to avoid situations which might result in an actual or apparent conflict of interest and conduct themselves accordingly.

In the event it is perceived that a potential or actual conflict of interest exists, employees shall immediately discuss the matter with the appropriate manager or the President and CEO.

### Definitions

For the purpose of this policy, an employee shall be defined as any full-time, part-time or casual in-scope or out-of-scope person employed by Carlton Trail College.

"Immediate family members" is defined for the purposes of this policy to include spouses and economic dependants, persons married to direct relatives or persons living in the same household.

A conflict of interest is a situation in which a College employee, whether for himself/herself or some other person(s), attempts to promote a private or personal interest which results in or could appear to result in:

- an interference with the objective exercise of Carlton Trail College duties
- a gain or an advantage by virtue of his/her position in Carlton Trail College

The following are some examples that may constitute a conflict of interest:

- operating an outside business, whether as owner, employee, partner, officer or director, in direct competition with Carlton Trail College services or on Carlton Trail College time, which may include telephone calls, use of Carlton Trail College resources, materials and equipment, mail service, etc.
- when engaging in supplementary professional activities, using the name of Carlton Trail College and/or its instructional materials for the advancement and benefit of personal business interests
- securing outside employment which impairs the employee's performance, duty and workload capabilities at Carlton Trail College
- participating in activities which might impair the image or reputation of Carlton Trail College
- divulging confidential or restricted information to any unauthorized person or releasing such information in advance of authorization for its release
- acting in any official manner where there is a personal interest which is incompatible with an unbiased exercise of official judgement
- placing oneself in a position where he/she is under obligation to any person or organization who might benefit from improper consideration or favour on their part or seek in any way to gain improper treatment from in the discharge of the official duties and responsibilities
- being party to a material contract or proposed material contract with Carlton Trail College
- acting on a board, council, association or any other organization which has a material influence, or might reasonably be expected to have a material influence, on any educational or other function of Carlton Trail College
- placing oneself in a position where working relationships are affected by personal or family relationships

## **Applications**

1. Employees will devote their best efforts to Carlton Trail College during the normal workweek and will avoid any other commitments that will interfere with this duty.

Employees may be employed outside of Carlton Trail College provided that such employment does not:

- cause an actual or apparent conflict of interest
- interfere with regular duties
- involve the unauthorized use of Carlton Trail College premises, equipment, materials or supplies

Where infringement upon normal duties is unavoidable, the appropriate manager, in consultation with the President and CEO, may require that all or part of the fee received be paid to Carlton Trail College.

2. Employment applications of immediate family members will be accepted and given the same consideration as all other applications, based on qualifications including skills, knowledge, abilities and experience for the position.

- To avoid potential conflict of interest situations, the application from an immediate family member of an employee, if deemed qualified, shall be discussed with the President and CEO prior to a hiring decision.
- Where there exists a reasonable question of bona fide cause for conflict of interest or favoritism, the College may deny employment based on a reporting relationship between immediate family members, as follows:
  - a reporting relationship exists where the superior has influence, input, or decision making power over an employee's performance evaluation, salary, premiums, special permissions, potential for promotion, conditions of work and similar matters; or
  - the relationship affords an opportunity for collusion between the two employees which would have a detrimental effect on Carlton Trail College.

3. Employees shall avoid placing themselves in circumstances of potential conflict of interest connected with the sale to Carlton Trail College of goods, merchandise or services by:

- a private company in which they are a shareholder or director
- a public company in which they are a director or controlling shareholder
- personal involvement through a partnership or proprietorship
- their immediate family members

In the case of transactions where some doubt exists as to whether an employee may be in conflict of interest, the employee shall disclose, in advance, their connection with that company, firm, partnership or other entity. Disclosure should be made to the appropriate manager who may refer the matter to the President and CEO.

4. An employee shall not accept a gift, favor or service from any individual, organization or corporation doing business with Carlton Trail College, other than the normal:

- exchange of gifts between friends
- exchange of hospitality between persons doing business together
- exchange of gifts as part of protocol
- presentation of gifts to persons participating in public functions

## **Principles**

Due to the range and complexity of Carlton Trail College activities, these provisions cannot be exhaustive. However, there are four major principles which will assist in the administration of these provisions for topics not specifically covered.

1. Carlton Trail College staff is required to discuss with the appropriate manager or the President and CEO any actions which are in doubt. When private interests are freely and frankly declared, the possibility of conflict is lessened.
2. Employees should enjoy the same rights in their private dealings as any other individual, unless it can be demonstrated that a restriction is essential to Carlton Trail College's best interest.
3. Carlton Trail College does not pay for the same service twice. Employees shall not accept monetary or other payment, in addition to normal salary or expenses, for duties which they perform in the course of their employment with Carlton Trail College.
4. Carlton Trail College is required to deal with any potential conflict of interest situation discovered, even if it is not disclosed.

### **Waiver**

The policy may be waived provided that the President and CEO:

upon review, finds it essential to do so in order to meet operational needs; and is satisfied that sufficient safeguards are in place to ensure that Carlton Trail College's interests are not compromised.

## **3.30 - Conflict of Interest - Procedure**

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### **Disclosure**

The responsibility for identifying potential conflict of interest rests primarily with the employee.

In potential conflict of interest situations, the manager responsible shall review the situation and, in consultation with the employee, shall attempt to determine whether or not a conflict of interest actually exists. Conflict of interest situations shall be mutually resolved with the employee if possible.

Where an employee considers that a potential conflict of interest may exist, the employee shall immediately notify the supervising manager in writing. All disclosure statements are to be treated with strict confidentiality.

Each potential conflict of interest situation will be treated as a separate entity by the employee.

Employees are to disqualify themselves as participants in personnel decisions when their objectivity would be compromised for any reason. Employees shall declare a potential conflict of interest, and will not participate in a hiring and selection process where any immediate family members, persons married to direct relatives, or persons living in the same household are being evaluated as a potential candidate for any position at the College.

### **Appeal Process**

Employees disputing the supervising manager's determination shall have the right to appeal to the President and CEO. In-scope employees may request the presence of a Union Representative at such discussions.

### **Discipline**

The disciplinary process deals with situations that were not ruled on before the employee embarked on the action, were determined to be a conflict of interest, and the employee is disciplined for his/her actions.

- In the event a conflict of interest occurs, sanctions up to and including dismissal may be imposed by Carlton Trail College. In deciding on the appropriate sanction to be imposed, consideration will be given to all relevant matters, including the extent of the conflict, whether the act in question was an isolated incident or part of repeated acts and subject to any other mitigating circumstances.
- In instances where an employee is disciplined by reasons of departure from these provisions or because of misconduct relating to conflict of interest, the disciplinary action may be subject to the grievance procedure (in-scope) or by review of the President and CEO in the case of out-of-scope employees.