

| | |
|-------------------------|--|
| TYPE: | Employment-Related |
| TITLE: | Conflict of Interest |
| NO.: | EMPL-303 |
| RESPONSIBILITY: | Chief Administrative Officer, and Associate Vice-President, Human Resources |
| APPROVED BY: | Durham College Leadership Team |
| EFFECTIVE DATE: | June 2023 |
| REVISED DATE(S): | |
| REVIEW DATE: | June 2026 |

1. Introduction

The public is entitled to expect the highest standards of conduct from all employees who work for Durham College.

2. Purpose

The purpose of this policy is to assist the College and its employees in identifying what is deemed a conflict of interest at Durham College, and the actions that may ensue from a violation of said policy, as well as to protect Durham College's business interests.

3. Definitions

Refer to [Durham College's Standard Definitions](#).

4. Policy statements

4.1. Principles and standards

- 4.1.1. It is the policy of Durham College to enhance public confidence in the integrity of its employees and in organizational decision-making process by:
 - a) Setting clear rules of conduct for conflict of interest and post-service practices that apply to all College employees.
 - b) Reducing the possibility of conflicts between the private interests and public-service duties of College employees.
- 4.1.2. The College shall adopt the following principles and standards:
 - c) Ethical Standards – College employees must act honestly and in a way in which the public has confidence and trust in the integrity, objectivity and impartiality of the College.

- d) Public Scrutiny – College employees are obligated to perform their official duties and conduct themselves in a manner that will bear the closest of public scrutiny.

4.1.3. The provisions in this policy apply to all College employees.

4.2. Private activities

4.2.1. Generally a College employee may engage in any private work or business undertaking except where:

- a) It may result in a potential conflict of interest;
- b) It may interfere with the individual's ability to perform their duties and responsibilities;
- c) It has the possibility of influencing or affecting the carrying out of their duties as a College employee;
- d) It involves the use of College assets, which may include, but is not limited to, premises, equipment or supplies, client lists, student lists, logo and reputation;
- e) The activity would place them in potential competition with the College.

4.3. Use of confidential information

4.3.1. College employees shall not, nor attempt to:

- a) Disclose any confidential information about any College undertaking, acquired in the performance of duties for the College, to any person or organization not authorized by law or by the College to have such information.
- b) Benefit directly or indirectly in return for or in consideration for revealing confidential information.
- c) Use confidential information in any private undertaking in which they are involved.

4.4. Applied/Scholarly Research

4.4.1. At Durham College it is essential that policies reflect the central focus of placing student success foremost in policy creation. To that end it is important to recognize and deal with existing or potential conflicts of interest in the conduct of research and scholarly activities. While the situations in which potential conflict of interest may arise cannot be exhaustively set out, conflicts generally arise in the following situations in the conduct of research and scholarly activities:

- a) When the work of students is directed with a view to benefiting the personal or business purposes of the researcher, or their relations or associates, to the detriment of the student's academic progress or goals.
- b) When a researcher employs students in any commercial venture related to the student's study or research, or proceeds to commercialize the student's work in such a way as to restrict the student's ability to complete their academic program or communicate their findings.
- c) When the personal or business interests of the researcher, their relations or associates, compromise the independence and impartiality necessary to perform required duties.
- d) When a researcher uses confidential information that is gathered in the course of their duties, or interactions with students for personal or business gain or for the gain of their relations or associates.
- e) When the personal or business interests of the researcher, including the interests of their relations and associates, conflicts with the researcher's obligations to the College, students or employees under their supervision.
- f) When, without prior agreement, use is made of College resources, including secretarial, office, administrative, technical, laboratories, assistants, premises, logo or insignia, for the personal gain or benefit of researchers or for the gain or benefit of others related to or associated with the researchers.
- g) When a researcher accepts an appointment, employment, or shares in any non-College organization that might reasonably expect them to disclose confidential information to which they have access to by virtue of a College appointment.
- h) When a researcher accepts, without written authorization of the College, a research grant or contract from any outside non-College organization from which they receive or may subsequently receive direct or indirect benefits. When a researcher finds themselves in direct supervision of an immediate family member that has been contracted as part of the research initiative.

4.5. Gifts, hospitality and other benefits

- 4.5.1. Individuals must refuse gifts, hospitality or other benefits that could influence their judgment and performance of their duties to or at Durham College, or otherwise damage the reputation and integrity of Durham College. Individuals must comply with all applicable legislation, policies, and directives at all times.

- 4.5.2. Subject to sections 4.5.3 and 4.5.5, individuals must not accept, directly or indirectly, any gifts, hospitality or other benefits from persons, groups or organizations dealing with Durham College or from clients, or other persons with whom they deal in the course of their work or services to or at Durham College.
 - 4.5.3. Individuals may accept incidental gifts, hospitality or other benefits associated with their duties and responsibilities to or at Durham College only if such giveaways, promotional items, gifts or benefits are considered a common expression of courtesy or within the normal standards of hospitality and would not raise suspicion about the objectivity and impartiality of the individual and/or compromise the integrity of Durham College.
 - 4.5.4. In situations where gifts cannot reasonably be refused at the time of presentation, the gifts should either be returned with thanks and an explanation within five business days of the event, or reported to the Office of the President. The Office of the President may require that such a gift be held by Durham College, given to charity, or may take such other action as they see fit and appropriate.
 - 4.5.5. For greater certainty, employees of Durham College shall be permitted to accept prizes where such prizes are either (i) offered to all individuals in attendance at the event; or (ii) awarded to an individual through a blind draw, raffle or game of chance, provided that Durham College has not sponsored the event by providing financial support or any other form of sponsorship and provided further that the event is in no way considered a Durham College event.
- 4.6. Avoidance of preferential treatment
- 4.6.1. College employees shall not grant preferential treatment in relation to any official matter to any person, organization, or immediate family member, or to any organization in which the College employee's or an immediate family member has an interest.
 - 4.6.2. Employment will not be permitted where the potential employee would be subject to the supervisory control of a relative in such matters as promotion, salary, performance or conduct.
 - 4.6.3. College employees involved in the awarding of contracts must declare a conflict of interest if an immediate family member may potentially personally benefit from the process.

4.7. Community Elections

- 4.7.1. Durham College, a crown corporation, has regular and ongoing dealings and reporting requirements with all levels of government and local school boards. As such, the College in all its dealings and actions must strive to be viewed as impartial, equal and fair to all elected officials, regardless of political affiliation or otherwise. College employees who participate in partisan activities outside of their professional commitments to the college are guided by the 'Community Elections' Policy ADM-247.

4.8. Duty to disclose

- 4.8.1. A College employee must disclose any potential conflict of interest situations to their supervisor, who will then consult with the Chief Administrative Officer, to resolve. In situations that are not clear, even the perception of potential conflict of interest should be discussed with the supervisor.
- 4.8.2. College employees must disclose to their supervisor any situation that may require them to supervise, teach, and/or assess a student with whom they currently or previously have had a personal, commercial, familial or other significant relationship. Where a relationship has created, has the potential to create, or has the perception of a conflict of interest, the College employee must terminate the assessment role and make alternative arrangements for the supervision/assessment of the student's work.
- 4.8.3. College employees must disclose to their supervisor any situation that may require them to participate in interviewing a candidate(s) with whom they currently or previously have had a personal, commercial, familial or other significant relationship. Where a relationship has created, has the potential to create, or has the perception of a conflict of interest, the College employee must withdraw from the selection process.
- 4.8.4. College employees delivering services to the Ontario Tech University may encounter conflict of interest situations and these must be discussed with their respective supervisor.

4.9. Post-service restrictions for employees

The following post-service restrictions apply to senior College employees and designated College employees.

- 4.9.1. The College maintains a legal interest in the post-service activities of former senior and designated College employees who, because of their former College position(s), have privileged knowledge of College operations and confidential information.
- 4.9.2. Employees will be notified in writing at the point of hire into such positions that they are subject to the post-service restrictions.
- 4.9.3. Under certain circumstances, individuals who are not senior College employees may also be designated as subject to the post-service restrictions. Such individuals can be so designated if:
 - a) They performed a function in a position during their last 12 months prior to leaving the College where the individual has substantial involvement with the outside entity; and
 - b) They had, or have access to, confidential information that, if disclosed to that outside entity, could result in loss or damage to the College or could give the outside entity an unfair advantage.
- 4.9.4. Such individuals shall be notified in writing before the commencement of job functions that may be subject to this provision, or as soon as possible following the commencement of such functions, about the application of this provision.
- 4.9.5. Such senior and designated College employees shall also be informed in writing when they leave the employment of the College concerning any post-service restrictions that may apply. This notification shall state that it is the former employee's obligation to inform any potential new employer about the post-service restrictions that apply to them.
- 4.9.6. Senior and designated College employees should be aware that restrictions upon accepting employment with an outside entity may apply for a limited time if the individual had confidential information about both the College and the outside entity that, if disclosed to that entity, could potentially result in loss or damage to the College or could give the outside entity an unfair advantage.

- 4.9.7. As such, after leaving the service of the College, a former senior or designated College employee is restricted from accepting employment with, or appointment to the board of, an outside entity for a period of 12 months:
- a) If the individual has substantial involvement with that outside entity, in the course of their employment with the College during the 12 months before they ceased to be a senior College employee.
 - b) If they had, or had access to, confidential information in the course of their employment by the College during the 12 months before they ceased to be a College employee that, if disclosed to that outside entity, could potentially result in loss or damage to the College or could give the outside entity an unfair advantage.
 - c) Where a former senior or designated College employee accepts a position with an outside entity and possesses, or had access to confidential information as outlined above, that outside entity may be restricted from doing business with the College for a subsequent period of 12 months after the employee left the employment of the College with respect to matters in which that confidential information may result in unfair advantages or loss or damage to the College.
 - d) The College may seek injunctive relief and/or damages for the misuse of confidential information from the former senior or designated College employee or any organization, which uses the confidential information where the damages are quantifiable and recoverable

5. Procedure

None.

6. Roles and responsibilities

6.1. The Chief Administrative Officer is responsible for interpreting this policy, providing advice to managers and employees and resolving disagreements.

6.2. Violation of this policy may result in disciplinary action and/or reimbursement of the value for the ineligible gift.

7. Accessibility for Ontarians with Disabilities Act considerations

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Multi-Year Accessibility Plan.

8. Non-compliance implications

- 8.1. The provincial Management Board of Cabinet has directed Colleges to adopt a conflict of interest policy that is consistent with the government directive.
- 8.2. An employee who does not comply with the provisions of this policy may be subject to appropriate disciplinary actions up to and including dismissal.
- 8.3. Civil or legal action may be taken against an individual, outside entity or organization where failure to comply with the provisions of this policy results in loss or damage to the college.

9. Related forms, legislation or external resources

- Article 11.06 Academic Employees Collective Agreement