

<b>Policy Title:</b>	<b>Conflict of Interest</b>
Policy Approver:	President's Office
Policy Holder:	President's Office
Category:	Operational
Original Date:	November 1993
Last Revised:	April 2015
Next Review:	April 2018

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## Policy Statement

All employees and contractors must declare situations which create or may be perceived to create an unfair advantage or a conflict of interest between their personal activities and their duties and responsibilities as an employee or a supplier of products or services.

A conflict may exist when an employee engages in personal conduct or activities such as, but not limited to the following;

- Competing with University business interests
- Placing the employee in a position of obtaining a personal benefit by virtue of their status as a University employee
- Placing the employee in a position of obtaining a personal benefit by virtue of their relationships with other University employees
- Personal, professional or business relationships between a contractor or employee which may be perceived as having influence over the decision to engage the services or products the vendor has to offer
- Engaging in a real or perceived conflict of interest

Employees who are found to be or who may have been in a conflict of interest situation, without declaration, may be subject to disciplinary actions up to and including dismissal. Failure to declare a potential conflict of interest might be considered a breach of this policy which could result in disciplinary action up to and including dismissal.

Suppliers and contractors who are found to have been non-compliant with this policy may have their current contract voided and may be restricted from future opportunities.

Where there is a clear conflict of interest which cannot be mitigated, the activity or engagement of an employee or contractor will not be permitted.

For specific examples of what may constitute a conflict of interest see Section 8, Appendices.

### **Approval Statement**

With the consent of the Senior Executive Committee and approval of the President of Yukon College, this policy is hereby deemed in effect the 29<sup>th</sup> day of April, 2015.

Karen Barnes

April 29, 2015

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President, Yukon College

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Date

## 1. Purpose of Policy

Yukon University shall conduct its business efficiently and with integrity. In so doing, there shall not be, nor seem to be, any undeclared real or potential conflict or unfair advantage, resulting from the private interests of employees or contractors and their responsibilities to the University. The policy is intended to clarify circumstances in which a conflict may or may be perceived to exist and define the employees' or the contractors' obligations in that regard.

It is each employee's and each contractor's responsibility to recognize the situation, disclose it and to abide by any conditions imposed to mitigate the real or potential situation.

## 2. Governing Legislation and Relevant Documents

AS 10.0 Procurement and Contracting Policy  
Collective Agreement  
Code of Conduct

## 3. Scope

All employees and contractors of the University are included in this policy.

## 4. Definitions

- **Casual employees;** non-union staff covered by a casual employment agreement.
- **Unionized employees;** members of Yukon University Employees Union (YUEU).
- **Excluded employees;** Employees not covered by the collective agreement.
- **Contractors;** those who supply a product or service to the University through various procurement channels.

## 5. Procedures

**Employees:** All employees will declare, at time of hire and annually thereafter, that they have read and understand the policy and indicate compliance. Should a real or potential Conflict of Interest develop during their employment they will be required to complete the Declaration of Real or Potential Conflict of Interest form which describes the situation,

steps being taken to mitigate and to abide by the conditions required as prescribed by the President.

**Contractors:** All potential contractors will sign the simplified Declaration of Conflict of Interest form that is attached to each tender and contract issued by the Procurement and Contracts Unit. Where a conflict is stated on that form, the Manager will ask the potential contractor to complete the Declaration of Real or Potential Conflict of Interest form.

The Declaration of Real or Potential Conflict of Interest form along with the recommendation of the Manager Procurement and Contracts will be forwarded to the President for evaluation and decision. Once that is completed, the potential contractor will be requested to sign the bottom portion of the Declaration of Real or Potential Conflict of Interest Form accepting any conditions that might have been imposed. If the conditions are not acceptable to the contractor, or they will not sign the form for any other reason, they will be excluded from that tendering or contracting process.

The Procurement and Contracts Unit will also ensure that before any tender evaluation process begins, each member of the committee will be asked to state if they have any potential conflicts of interest with any of the proponents involved. Any conflicts that are declared will be evaluated by the Manager Procurement and Contracts and he/she in their discretion, may exclude the committee member from the evaluation process.

The President will consider all matters brought to her/his attention upon presentation of the Real or Potential Conflict of Interest Declaration Form containing specifics of any situation as provided by the employee and/or contractor through discussions with the Director Human Resources and/or the Manager Procurement and Contracts. In cases where the conflict of interest is found to be real or the perception of a conflict is apparent, the President may require that the employee cease the real or perceived activity, may define conditions required to mitigate the conflict, or may define audit requirements to monitor the conditions for ongoing review of the situation.

If, in the opinion of the President, the real or perceived conflict cannot be reasonably mitigated, the employee may be asked to disengage from the activity. Similarly, the

contractor may be advised that they are not being considered due to a Conflict of Interest which cannot reasonably be mitigated.

The Director Human Resources is required to confirm annually that any conditions required have been met by providing an audit of compliance with the policy to the Office of the President.

## **6. Problem Solving**

Any dispute arising from failing to declare a real or perceived conflict of interest or a decision related to the President's direction on a real or potential conflict of interest may be pursued through the appropriate dispute resolution process available to every employee either through the Collective Agreement or the Appeals Process described in the Employee Benefits Policy.

Contractors and suppliers are encouraged to discuss any matter arising from the process, the conditions to mitigate or the conditions required for ongoing review with the Manager Procurement and Contracts.

## **7. Other Related and/or Accompanying Documents**

Declaration of Real or Potential Conflict of Interest

Annual Performance Plan

Casual Employment Contract

Declaration of Conflict of Interest (initial form signed by potential contractors).

Appendix A – Examples

Addendum A - Policy Communication Checklist

## Appendix A – Examples

The following list provides a number of examples of situations that might be considered a conflict of interest:

- An employee, who is a member of a hiring selection board, fails to disclose that he/she is related to, or has a personal or business relationship with a job candidate whom the University is considering for a position.
- An employee, who is authorized to purchase services or materials, fails to disclose that he/she is related to, or has a personal or business relationship with a vendor whose services or products are being considered by the University.
- Supervising or being supervised by a relative or someone with whom you have a close personal or business relationship.
- Failing to comply with conditions required by the University President in order to mitigate a real or perceived conflict.
- The spouse of a University employee is bidding on a service contract to supply services to the University without declaring a potential conflict.
- An employee participating in proposal evaluations which include one from his brother-in-law to provide vending services to the University lunch areas.
- An employee starts a company that provides similar educational services to similar clients as those of the University.
- A manager provides paid consulting services on their own time to a University customer or supplier.
- An employee works part time in the evening for a company that provides a service that competes with those of the University, his full time employer.
- An HR director decides to personally investigate a charge of sexual harassment, against a fellow corporate executive whom she/he has known and worked with professionally for years.

**Addendum A - Policy Communication Checklist**

Policy Name: Conflict of Interest

Number: PO-04

Submitted by: Brian Bonia

List those consulted with in preparation of this policy:

Name	Department	Date
S.E.C.	Committee meeting	September 2014
Birgit Martens	YCEU President	November 2014
Wayne Coghill	Procurement and Contracts	November 2014
Susan Dennehy	Ombudsman office	February 2015

The order for communication and/or consultation for a new or revised policy is as follows:

1. SEC – initial review and recommendations from SEC membership;
2. Identified stakeholders within Yukon College in order of priority – see below;
3. SEC – to be briefed on any issues arising out of stakeholder consultations;
4. Staff – SEC members to bring policy to their staff for feedback (*SEC member introducing this policy is responsible for sending to SEC, requesting that it be circulated to their staff for feedback*);
5. SEC – final draft supported by SEC membership and approved by the President.

This checklist must be completed prior to the final draft of a policy being presented to SEC for presidential approval.

Body	Communication Planned	Completed	Comments
SEC			
Employee's Union	Email distribution President	26-05-01	
<i>Other</i>	Discussion with Procurement Manager	21-05-14	College uses a conflict declaration which is specific to the purchase or tender process.
YC Staff	E-mail distribution	22-04-15	No feedback received from staff
SEC for Final Review			