317 Conflict of Interest

Revised: August 2010

1. Application of this Policy

This Policy applies to University of Guelph employees who are not members of the University of Guelph Faculty Association ("Employees"). Provisions, consistent with those found below, relating to Conflict of Interest for members of the University of Guelph Faculty Association ("UGFA") can be found in the UGFA collective agreement [1].

Employees who are also members of the University's Board of Governors or employee members of one of its committees are, to the extent that they are acting within their capacity as members of the Board or of one of its committees, subject to the Board of Governors' "Conflict of Interest Policy".

2. Preamble

This Policy is intended to facilitate Employees' ability to maintain the highest business and ethical standards, and to facilitate the protection of the integrity of Employees in the course of their job responsibilities.

This Policy defines and addresses potential, apparent and actual conflicts of interest. It provides guidance to Employees so that conflicts of interest are recognized and either avoided or resolved expeditiously through appropriate disclosure and management.

The fundamental principle underlying this Policy is that Employees must not permit relationships with others or external business activities to conflict, or appear to conflict, with the interests of the University.

3. Definitions

Conflict of Interest means a potential, apparent or actual conflict where an Employee's financial or other personal interest, whether direct or indirect, conflicts or appears to conflict with the Employee's responsibility to the University, or with the Employee's participation in any recommendation or decision within the University.

Employee means University of Guelph full-time or part-time Employees who are not members of the UGFA.

External Activity means any activity of an Employee outside the scope of her/his employment with the University undertaken as part of a commercial or volunteer enterprise.

Relationship means any relationship of the Employee to persons of his or her immediate family whether related by blood, adoption, marriage, or common-law relationship, and any relationship of an intimate and/or financial nature during the preceding five years, any student-supervisor relationship, or any other past or present relationship that may give rise to a reasonable apprehension of bias

Supervisor means the person to whom an Employee reports or, in the case of a committee, the committee Chair.

4. Specific Conflicts

Without restricting the generality of this Policy, the following circumstances may give rise to Conflicts of Interest:

i) participating in or influencing the outcome of the appointment, hiring, promotion, supervision or evaluation of a person with whom the Employee has or has had a Relationship;

ii) directing a student or Employee to carry out tasks of a personal nature;

iii) directing a student or Employee to carry out work for a company or firm in which the Employee or a member of his/her immediate family has a financial interest;

iv) using information that is not available to the general public, acquired as a result of the Employee's University activities, for personal gain or other unauthorized purpose;

v) acceptance by an Employee of a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the employee when performing his or her duties to the University:

a) a person, group or entity that has dealings with the University;

b) a person, group or entity to whom the Employee provides services in the course of his or her duties to the University;

c) a person, group or entity that seeks to do business with the University.

However, the provisions of (v) above shall not operate to prevent a University Employee from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances.

An employee who is offered a gift in the circumstances described in v) above shall, in writing, notify his or her Supervisor.

5. Procedures for Disclosure of Conflicts of Interest

i) All Employees have an obligation to disclose to their Supervisor any Conflict of Interest. The Employee must disclose in writing as soon as she/he could reasonably be aware that a Conflict of Interest exists. The existence of a Conflict of Interest does not necessarily preclude involvement in the issue which has given rise to the Conflict ("the Matter"). The Employee must declare, in writing, the nature and extent of the Conflict of Interest no later than any meeting or process in which the Employee participates and at which the Matter is to be considered. The Employee must refrain from taking part in any discussion or decision-making vote in relation to the Matter, and withdraw from any meeting or process when the Matter is being discussed until a decision has been reached regarding the manner in which the Conflict of Interest will be addressed.

ii) A Conflict of Interest may also be reported to a Supervisor by any other person. A report to a Supervisor about the existence of a potential, apparent or actual conflict of interest shall be made in writing.

6. Procedures for Management of Conflicts of Interest

i) If the Supervisor to whom the disclosure is made also has a Conflict of Interest, the disclosure should be made, in writing, to the person at the next highest level of authority.

ii) The Supervisor will determine if a Conflict of Interest exists. Where appropriate, the Supervisor may consult with the Employee and/or others.

iii) If the Supervisor determines there is a Conflict of Interest, the Supervisor will decide upon and apply such remedies as are appropriate in the circumstances. The Supervisor shall document, in writing, any remedies that have been applied.

7. Options for Resolving Conflicts of Interest

If a Supervisor determines that a Conflict of Interest exists, the Supervisor will decide a course of action from the following options:

i) A determination can be made that the Conflict is acceptable;

ii) A determination can be made that there is a Conflict but the Employee can be involved with the Matter without participating in the final decision (e.g. voting or becoming a member of a committee) where the Employee may be knowledgeable and have information central to the discussion; or

iii) A determination can be made that there is a Conflict and the Employee cannot participate.

8. Reprisals

It is a breach of this Policy to take reprisal against an individual because that individual has participated in a process to enforce this Policy.

9. Confidentiality

Any personal information gathered about an Employee under this Policy shall be held in accordance with the principles outlined in the University's guideline, "Protection of Privacy and Access to Information at the University of Guelph" and also in accordance with the principles outlined in related University policies.

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Links
[1] http://www.uoguelph.ca/vpacademic/facultyrelations/agreements.php