



Conflict of Interest Policy

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INTRODUCTION

Brock University is an institution that forms an integral part of the Niagara Community and is supported, in part, by public funds. Recognizing its accountability to the public, the University encourages members to use their skill, knowledge and expertise to serve the community and society through education, research and professional service.

As the activities of the University and its members become more varied and complex, it is inevitable that situations will arise where loyalties may be divided or where their personal interest may conflict with their duties or responsibilities to the University. The University has adopted the following policy to guide the conduct of members of the University community when such situations arise.

PURPOSE

The purpose of this policy is

- to define conflict of interest,
- to provide guidance for employees in avoiding and/or dealing with real, apparent, or potential conflicts of interest,
- to outline the responsibilities surrounding conflict of interest,
- to clarify the repercussions of violating this policy.

SCOPE

This policy applies to all members of the University community, including, but not limited to students, employees, former employees and members of committees who continue to have a relationship with the University.

This policy is intended to complement, not detract from, any other agreements or policies in place at the University. Where this policy conflicts with collective or other existing agreements, the agreements will take precedence over this policy. Collective agreements can be viewed at <http://www.brocku.ca/hr/labour/>

DEFINITION

Real conflict: At least three prerequisites have to be established before a member of the university can be said to be in a real conflict of interest. They are:

- the existence of a private interest;
- that it is known to the member; and
- that it has a connection with his/her university duties or responsibilities that is sufficient to influence the exercise of those duties or responsibilities.

Apparent conflict: An apparent conflict of interest exists when there is a reasonable apprehension, which reasonably well-informed persons could have, that a conflict of interest exists.

Potential conflict: A potential conflict of interest is one that may develop into an actual conflict. The potential for conflict exists as soon as the university member can foresee that he or she has a private interest that may be sufficient to influence a public duty or responsibility.

POLICY

1. Members of the University community are expected to avoid real, apparent, or potential conflicts of interest between their duties to the University and personal interests. Duties to the University include, but are not limited to:
 - employment responsibilities as outlined in job descriptions and/or collective agreements, and
 - adherence to University policies and procedures, including those related to conduct.
2. The existence of a real, apparent or potential conflict does not necessarily preclude the member's involvement in the situation where the conflict has arisen, or may arise. There may be situations where a real, apparent or potential conflict, once declared, can be managed so as to enhance rather than undermine the member's contribution to the University. The real, apparent or potential conflict must be formally disclosed (i.e. in writing), upon discovery, to the appropriate Dean or Unit Head before any decision or action is taken. However, it is possible that consideration could be given to relinquish the responsibilities causing the conflict.
3. Following consultation with the member and other appropriate persons, the Dean or Unit Head will, on a timely basis, record the resolution of the matter stating in writing the appropriate manner in which to deal with the real, apparent or potential conflict. A copy of such record will be filed in an employee's official file in Human Resources, where appropriate.
4. No member shall knowingly participate in any decision that directly and preferentially benefits the member or any individual with whom the member has an immediate family, personal or commercial relationship.
5. Since the possibilities for conflict of interest are almost limitless, members of the University are expected to conduct themselves at all times with the highest ethical standards in a manner which will bear the closest scrutiny, and are responsible for seeking guidance before embarking on activities which might be questionable.
6. In all cases, procedures for disclosing, assessing and resolving real, apparent or potential conflict situations must be objective, consistent, practical and compliant with all legislation. For example, understanding and documenting conflicts of interest may require the collection of personal information as defined in the Personal Information Protection and Electronic Documents Act. Where all the implications of related legislation are unclear, Deans or Unit Heads are advised to seek the assistance of Human Resources, who will consult with legal counsel, if necessary.
7. A member may not accept external employment or engage in activities that, by virtue of their time commitment, interfere with or prevent them from performing their duties with respect to the University or create competing loyalties.
8. A member who fails to disclose a real, apparent or potential conflict of interest to his/her supervisor and the Dean/Unit Head shall be subject to appropriate disciplinary action that may include suspension, termination, reimbursement to the University of the monetary value of the benefit received directly or indirectly, and/or legal action, depending on the nature and severity of the conflict.
9. Any person who is aware of, or has reasonable grounds to believe that, an undisclosed real, apparent or potential conflict of interest exists, is required to report it to that person's immediate supervisor, Human Resources or the appropriate Vice-President. All real conflict of interests must be disclosed to Human Resources. The Executive Director, Human Resources will report, on an annual basis, all confirmed conflicts of interest to the Planning, Finance and Human Resource Committee of the Board of Trustees.
10. In the event that a member is dissatisfied with the position taken by the University with respect to the conflict of interest, the member can appeal to the appropriate body (i.e. see Academic Regulations and collective agreements) or Vice-President, whose decision after consultation with all parties involved, will be final.

RELATED POLICIES

Purchasing

Donations

Employment Equity

Freedom of Information and Privacy Protection

Integrity in Research and Scholarships

Media Relations

Ownership of Intellectual Property

Sexual Harassment

Surplus Asset/Redeployment Disposal

Computer Use

Guidelines for Managing Potential Conflicts of Interest

The following instances, while not exhaustive, are illustrative of situations that may lead to a perceived conflict or the perception of a conflict of interest. They are intended to generally outline of the sort of behaviour that may be judged to constitute a conflict of interest. Various methods of managing the situations are intended to provide guidance to both employees and their supervisors. In some cases, more than one solution may be appropriate. In some cases, the individuals may be asked to remove himself/herself from the situation.

In all cases, it is recommended that written documentation be kept on file of

- the potential conflict of interest,
- the determination of whether the situation represents a real conflict of interest,
- the course of action to be taken to avoid or monitor the conflict, and
- the agreement of all parties as to the determination and any course of action to be taken.

1. Where a member is responsible for specifying or approving materials, equipment or services purchased with funds administered by the University, he/she must not have any direct or indirect financial interest in the transaction.

Examples of conflict management resolution:

Sealed quotes and tenders provide an objective method of comparing all suppliers.

Suppliers provide quotations directly to Purchasing to remove possible price undercutting.

Quotation specifications should be generic, to avoid the appearance of tailor-making a purchase for a particular supplier.

Quality of product or service must be evaluated relative to competitors.

The supervisor of the member involved in conflict of interest must approve the purchase.

The member must excuse himself/herself from the deliberation and decision voting processes.

Adjusting researcher royalties if researcher has holdings in entity that provides paid services for producing or marketing the product/intellectual property, or publishing/obtaining patent/copyright.

All researchers, graduate students are advised of the contributions they make and their rights with respect to intellectual property.

2. Members will not participate in the hiring/acceptance, direct supervision, evaluation, promotion, or salary administration of relatives or persons with whom they have a close personal relationship.

Examples of conflict management resolution:

Person must be hired/accepted in accordance with academic regulations or provisions of all collective agreements, according to their merits as compared to all other applicants.

An independent capable supervisor must direct and evaluate the person's work.

An independent capable supervisor must determine the person's promotion or salary.

The individual making an appointment should seek assurance that a reasonable search for the best-qualified candidate for the position offered has been conducted.

3. Employees, or companies in which they or immediate family members hold an interest, may not contract with the University as a business supplier of materials, equipment or services or as a purchaser of surplus assets. [*without the written permission of the Vice-President, Finance and Administration.*]

Examples of conflict management resolution:

See item 1 above and item 5 below.

4. Where an employee may profit from the sale of material for University courses to students, this must be declared to the Faculty Dean prior to the inclusion of such material in the curriculum.

Examples of conflict management resolution:

Dean will ensure that materials selected are based on what is best for the course.

All materials will be sold by the University Bookstore.

All materials will be sold according to procedures established in co-operation with Finance to ensure appropriate revenue/cost recovery and sales taxes are collected and recorded.

5. Where a member is responsible for deeming an asset purchased with University or funding agency funds, he/she must not have any direct or indirect financial interest in declaring the asset surplus or in its disposal.

See Surplus Asset/Redeployment Disposal Policy and last bullet point under 1.

6. The acceptance of gifts, benefits or favours by an employee of the University from anyone doing business with, or soliciting business from the University or from students is not permitted. This includes gifts received or prizes won at University funded seminars, conferences, workshops, visits, etc.

Examples of conflict management resolution:

The gift/prize is disclosed to the employee's supervisor.

The gift is a token courtesy with small intrinsic value and does not place or appear to place the recipient under any obligation to the giver or have the possibility of influencing the recipient in their duties.

The gift is accepted after the decision is made regarding the business with the University or students.

The gift is accepted on behalf of the University and used in fund raising events or for University business purposes and has the effect of reducing expenses that would normally have been incurred.

The fair market value of the gift is deemed a benefit of employment (assessed as > \$100) and is included on the employee's T4 in the year the benefit is received.

Favours that may be construed as 'debts' by the provider are neither requested nor accepted.

Cash, in any amount, must not be accepted or given as a gift or favour under any circumstances.

Private benevolence will receive business not charitable donation receipts.

7. The disclosure of personal, confidential or privileged information by a member of the University to anyone for profit, or any reason, other than those authorized access to such information is not permitted. This includes making an investment in any situation in anticipation of the University or other member taking a material interest therein, especially in the case of research and intellectual property.

See Freedom of Information and Privacy Protection Policy.

8. A member must not use his/her position within the University to influence any business in its dealings with other parties for the personal profit or advantage of any person.

Examples of conflict management resolution:

Asking the information put forward by any member to be considered on its own merits.

9. A member of the University community may not use the services of other members or make use of University facilities, supplies or resources to serve a personal interest of that member.

Examples of conflict management resolution:

Supervisor approval and agreement that level of use is immaterial.

Other member's time does not conflict with his/her ability to meet the responsibilities/duties to the University.

Member reimburses University for facilities, supplies, resources or services of other member's time at fair market value rates.

10. A member may not involve his/herself in outside activities, either paid or unpaid, if these activities interfere with their obligations, duties and responsibilities as members of the University.

Examples of conflict management resolution:

Realigning activities so that they bring credit to University, as well as to the member.

Reducing the level of outside activity to avoid interference.

Reducing the work load and corresponding remuneration, where applicable, to allow members the freedom to pursue outside activities.

Questions about the application of this Policy should be directed to Human Resources.