



# Employee Conflict of Interest

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## Introduction

This policy applies to all First Nations University of Canada full-time, part-time and contract employees and any other person acting in the capacity of an employee on behalf of or at the request of the University.

The University's goals are to (a) minimize the occurrence of conflicts of interest, (b) manage them in a clear and consistent way when they occur, and (c) resolve them in a manner acceptable to the person and the University.

This policy protects the University and employees and helps employees identify and address conflicts of interest, real and perceived.

When a conflict of interest or potential conflict of interest exists, this policy is used along with related First Nations University of Canada policies and collective agreements.

## Definitions

### **Conflict of interest**

Exists when an employee is or may be in a position to use authority, influence, knowledge or research for personal gain or to benefit a family member or close associate

Examples of conflict of interest include, but are not limited to, situations where the employee:

- Conducts a review or evaluation of a project in which he or she has a financial or other interest.
- Enters on behalf of the University into a contract with a company in which he or she or a member of his or her family or a close personal friend has a financial or other interest.
- Directs one of the University's research programs to serve the research or development needs of a private firm in which he or she has a financial or other interest.
- Influences the purchase of equipment or materials for the University from a company in which he or she or a close friend or family member has a financial or other interest.

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- Accepts significant gifts or special favors for personal gain from private organizations with which the University does business.
- Enters into a licensing agreement for the development of intellectual property generated as a result of University research with a company in which he or she has a financial or other interest.
- Provides services to the University as a company, in which he or she holds an interest, when those he or she could provide those services as an employee or have them done through the University.
- Uses University students or employees on University time to carry out work for a company in which he or she has a financial or other interest.
- Uses University resources or facilities (unauthorized and non-reimbursed) to benefit a private concern in which the employee has a financial or other interest.
- Uses privileged information acquired as a result of University-supported activities for personal gain or other unauthorized purposes.
- Unreasonably delays publication of research results (e.g., thesis research) or premature announcement of research results to secure personal gain.
- Participates in the appointment, promotion, hiring, or evaluation of a person with whom he or she has a marital, familial, or sexual relationship.
- Undertakes external consulting, professional or other activities, which by virtue of the time commitment prevent the employee from fulfilling his or her obligations to the University.
- Any involvement in an external organization that puts the employee in a position of divided loyalty between the mission of the University and the interests of the external organization.

### **Employee**

Any full or part-time permanent, term or casual faculty or staff member and any person who teaches, conducts research, or works at or on behalf of the University.

Includes, but is not limited to, student employees, adjunct and sessional faculty members, librarians, program directors, post-doctoral fellows, emeriti, and visiting professors.

### **Financial interest**

Any stock, stock option, or similar ownership interest, excluding any interest arising solely from investment in the business by a mutual fund, pension fund, or other institutional investment fund over which the employee does not exercise control.

Receiving or the right or expectation to receive any benefit from the business in the form of a fee, honorarium, commission, salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology, rent, capital gain, or any other form of compensation.

An interest as a director, officer, employee, trustee, or agent.

### **Personal interest**

The personal, private, or financial interest of a University member or a closely associated person.

## Policy

University employees may not participate in discussions, activities or decisions that constitute a real or potential conflict of interest for them in the performance of their duties for the University.

Employees are expected to complete the University's Conflict of Interest Form when they are hired, at their annual performance reviews, and whenever they are appointed to new roles or positions with the University.

Employees must disclose a real or potential conflict of interest as soon they are aware of the conflict. They must remove themselves from the decision, discussion or activity until the matter is resolved or their supervisor authorizes their participation.

Conflict of interest disclosures are confidential. If it becomes necessary to give someone in or outside the University information about a disclosure, the University / will inform the employee involved.

## Consequences for Noncompliance

Failure to disclose a potential or existing conflict of interest or commitment or to comply with this policy may result in disciplinary action up to and including termination of employment according to the applicable collective agreement and/or disciplinary process.

## Process

### Disclosing and Investigating a Conflict of Interest

- 1) When a University employee becomes aware of a real or potential conflict of interest, the employee will report the situation or conflict in writing to his or her manager or supervisor.
- 2) The supervisor or manager will document and forward a copy of the disclosure to Human Resources to be filed in the employee's human resources record.
- 3) The supervisor or manager will investigate the situation and in consultation with the employee create a plan for managing or resolving the conflict (which may include discontinuing the activity).

If the employee and supervisor cannot come to mutually agreeable decision/plan, the supervisor or manager will refer the matter to the appropriate vice-president.

- 4) The supervisor or manager will file the plan in the employee's human resources record.

- 5) The supervisor or manager will follow up or monitor the situation as necessary until the real or perceived conflict no longer exists.

## Related Information

- *FSIN Human Resources Management Regulations (Code of Ethics)*
- FNUNiv / CUPE Collective Agreement
- FNUniv / APT Collective Agreement
- FNUniv / Faculty Collective Agreement
- Conflict of Interest Form