A. Background and Definitions

Niagara College strives to ensure integrity, transparency and public confidence at all times. Niagara College takes all reasonable steps to ensure that actual, potential and perceived conflict of interest situations are avoided and, if known, are dealt with in a fair, timely and consistent manner.

Conflict of Interest: Any situation where personal interests of the Employee may be incompatible or in conflict with their responsibilities as College Employees, and includes:

a) Actual Conflict of Interest: Occurs when a member of Niagara College has a private or personal interest that is sufficiently connected to or with the member’s Niagara College duties or responsibilities, that it influences the execution of those duties and responsibilities;

b) Perceived Conflict of Interest: Occurs when a reasonably well informed individual could properly have a reasonable belief that a member of Niagara College has an actual conflict of interest, even if there is no actual conflict; and

c) Potential Conflict of Interest: Occurs when a member of Niagara College has a private or personal interest that influences the performance of their duties or responsibilities, even though the member has not yet exercised that duty or responsibility.

Employee: For the purposes of this policy, a person under the employ of Niagara College on a full-time, part-time, occasional or temporary basis.

Member of Niagara College (Member): For the purpose of this policy, a member is considered to be Employees, governors, program and/or industry advisory committee members, subsidiary board members, and does not include students, unless they are employed by Niagara College.

Family Member: For the purposes of this policy, a family member is considered to be a relative connected to an individual by birth, adoption, marriage, or cohabitation, such as partner (spouse), parents, siblings, children, nieces, nephews, aunts, uncles, grandparents and grandchildren, including step- and half-relatives, as well as any person who resides permanently in the same household as an individual.

Friend: For the purposes of this policy, a friend is any person who has a close personal or intimate/sexual relationship with an Employee.
B. Purpose

The policy applies to all members of Niagara College and establishes the principles, parameters and guidelines for identification, disclosure and management of conflict of interest situations.

C. Policy Statements

1. All members of Niagara College must avoid placing themselves in any actual, potential, or perceived conflict of interest situations and understand their obligations to proactively disclose any actual, perceived or potential conflicts of interest.

2. Individuals, having regard to their particular role/position at Niagara College shall:
   a) perform their Niagara College duties with integrity and honesty, upholding the highest ethical standards and conducting themselves in an ethical manner;
   b) adhere to all Niagara College policies and codes of conduct;
   c) avoid engaging in personal pursuits that would particularly or significantly interfere with Niagara College activities;
   d) conduct their personal affairs in such a way as to avoid any conflict of interest situation (non-exhaustive list of examples below);
   e) not assist external entities or persons in their dealings with Niagara College where this would result in actual or perceived preferential treatment;
   f) avoid situations where a conflict of interest may occur due to the interests of a family member or friend;
   g) avoid any situation that does or may involve a conflict of interest, as a condition of their employment, engagement, training, affiliation or appointment with Niagara College;
   h) report and resolve any conflict of interest in reference to, and in favour of, the public interest, if a conflict of interest does arise between the private, personal, financial, or other interest of a member of Niagara College and their duties and responsibilities to Niagara College; and
   i) abide by all Niagara College policies and procedures, as well as all municipal, provincial, and federal laws.

3. Upon joining Niagara College and throughout their relationship with Niagara College, all members are required, as soon as becoming aware of the conflict of interest policy, at their own initiative, to disclose in writing, any and all situations or activities involving themselves
and/or others that may constitute an actual, potential or perceived conflict of interest. In accordance with the conflict of interest declaration form, individuals are not to rely on anyone else to make a disclosure on their behalf. When in doubt, disclosure is the most prudent course of action.

4. In the interest of avoiding actual, perceived and potential conflict of interest situations, the College requires full disclosure of information. Failure to comply with this policy and/or to provide adequate information when requested to do so, may result in disciplinary action, up to and including termination of employment.

5. In the event that an Employee is uncertain if a conflict exists, they should utilize the provisions of the conflict of interest procedure.

Whether a conflict of interest arises and/or exists, depends on the specific facts and/or situation. The following is a list of possible situations or behaviours which are in direct conflict of interest with college activities. These assist individuals in identifying inappropriate and/or impermissible conflict of interest. This is not an exhaustive list.

6. **Intimate, Sexual, and/or Close Personal Relationships**
   a) Depending on the circumstance, any intimate, sexual, and/or close personal relationship between Employees, may be a conflict of interest;
   b) Any intimate or sexual relationship between an Employee and a student, where the Employee teaches or has professional contact with the student as part of their employment responsibilities is a conflict of interest and is strictly prohibited
   c) Any Employee who becomes intimately and/or sexually involved with a subordinate leaves themselves open to allegations of sexual harassment. Any sexual relationship between an Employee with supervising responsibilities and an Employee who reports to them directly, or indirectly, is a conflict of interest; and is strictly prohibited.

The provisions of the Sexual Assault-Sexual Violence policy and protocol, are applicable to any Conflict of Interest of this nature.

7. **Preferential Treatment: Transactions, Negotiations, Contracting, and Hiring**
   No Employee shall unduly, and without a valid, objective, and justifiable business reason, favour or give preferential treatment to any person, organization or business entity in connection with Niagara College affairs.
a) **Contracting with Third Parties:** No Employee with decision making authority shall participate in any transactions with any family member or friend in relation to any employment, education, contractual, contractor, supplier or service issue related to Niagara College.

b) **Negotiations/Contracting:** No Employee shall negotiate or contract with family members, friends or their associated entities, if they are involved in the contracting out or awarding of contract processes.

c) **Hiring:**
   i. No Employee shall hire a family member or friend such that a family member or friend reports to them directly or indirectly;
   ii. No Employee shall hire a family member or friend of a colleague working in the same department or responsible office/business unit;
   iii. All Employees applying for supervisory positions will be expected to inform the Director, Human Resources, in accordance with the Conflict of Interest Declaration Form, of the existence of such conflict of interest relationships with anyone to be supervised directly or indirectly;
   iv. All Employees in a supervisory position are expected to advise the Director, Human Resources, in accordance with the Conflict of Interest Declaration Form, where such a potential, perceived, or actual conflict of interest relationship develops between them and an Employee they supervise; and
   v. No Employee shall participate in any way, in the selection, performance appraisal, demotion, transfer, promotion, discipline, or termination of their family members or friends.

d) **Current Incumbents**, who are full-time and part-time Employees in a conflict of interest, shall be permitted to continue their current positions subject to the following conditions:
   i. Human Resources will work with the next superordinate level manager not in a conflict of interest, in accordance with this policy, to document decisions pertaining to the current incumbent Employee, including but not limited to; the employment relationship, hiring, promotion, job evaluation, discipline, performance concerns/management, leaves of absence (excluding vacation requests), attendance management, and termination;
ii. The current incumbent Employee will be ineligible for consideration for a different role which would be contrary to the conflict of interest policy; and

iii. Notwithstanding the forgoing, current incumbent Employees under a collective agreement who apply to positions covered by the same collective agreement, will be considered in accordance with their collective agreement. Where such situations result in a reporting relationship contrary to this conflict of interest policy, the employment relationship will be subject to the conditions outlined above.

8. **Outside Activities and/or Undertakings**

As per the Academic Employees Collective Agreement, full-time faculty shall not take any employment, consulting, or teaching activity outside of Niagara College without the prior consent of their Supervisor, which shall not be unreasonably withheld. This does not preclude part-time Employees or non-full-time faculty from engaging in outside employment.

Support Staff and Administrative Employees may undertake employment external to the College, with written permission of the College, providing that, in the opinion of the College, the activity will not interfere with the performance of the Employee’s duties, or constitute a Conflict of Interest.

Consent from supervisors must be requested at a minimum annually or when there’s a change in circumstance.

No Employee shall engage in any personal outside activity and/or undertaking that:

a) Is in competition, directly or indirectly, with Niagara College;

b) Conflicts with Niagara College’s legitimate business interests;

c) Interferes or appears to interfere with the Employee’s ability to perform their own duties and responsibilities to or at Niagara College;

d) Derives an advantage from the Employee’s affiliation with Niagara College;

e) Involves the use of Niagara College premises, equipment, supplies, staff time or services without prior written permission from Niagara College and, as appropriate, due compensation to Niagara College;

f) Associates the name of Niagara College with any outside activity, group or business venture or uses the Niagara College address, telephone number(s), fax number(s), website, or email address for such purpose; and/or
g) Associates Niagara College with any political activity or group. The political activity of Crown Employees, including College Employees, is governed by the Public Service of Ontario Act.

9. Financial, Business and/or Commercial Gain
No member of Niagara College shall use or seek to use their affiliation with Niagara College to:
   a) Gain direct or indirect financial or other material benefit for themselves, their family members, or their friends; and/or
   b) Solicit or accept favours or economic benefits from any individuals, organizations, or entities known to be currently engaged in, or seeking business, contracts, or alliances with Niagara College.

10. Housing for Students
   a) Rental Properties: Employees are not permitted to enter into private rental agreements with students for which the Employee is in a position of trust, power or authority over the student. If a student becomes a tenant of an Employee in a position of trust, power or authority after entering into a rental agreement, the Employee is required to disclose the arrangement to their immediate supervisor.
   b) Home Stays: Employees providing home stays to students within their department must disclose to the Director, International. The International department will outline a process for addressing conflicts or concerns to avoid a Conflict of Interest situation.

11. Privileged and Confidential Information
No member of Niagara College shall:
   a) Disclose any privileged and/or confidential information about a Niagara College undertaking, acquired in the performance of duties for Niagara College, to any person or organization not authorized by law, or by Niagara College to have such information;
   b) Benefit directly or indirectly in return for, or in consideration for, revealing privileged and/or confidential information about, or belonging to Niagara College for any unauthorized purpose, including in connection with any personal or private undertaking or activity.
POLICY GROUP: NC600 – Human Resources

POLICY TITLE: Conflict of Interest

12. Gifts, Hospitality and Other Benefits
   a) Employees may accept incidental gifts, hospitality or other benefits associated with their official duties and responsibilities, if they are considered a common expression of courtesy or within the normal standards of hospitality, and do not cause suspicion about the objectivity, judgement and impartiality of the College Employee, and would not compromise the integrity of the College. All gifts, hospitality or other benefits that an Employee accepts must be disclosed to his/her supervisor.
   b) When an Employee is unsure or cannot refuse unauthorized gifts, hospitality or other benefits, Employees must immediately report the matter to their supervisor. The supervisor may require that such a gift be held by the College or donated to charity or such other action as they may determine; and
   c) Notwithstanding the above in a) and b), an Employee may accept a meal or promotional items in accordance with the Procurement Policy.

13. Research
    Niagara College is a signatory to the 2014 Tri-Council Memorandum of Understanding – Roles and Responsibilities of Federal Grants and Awards (Memorandum), which includes provisions relating to Conflicts of Interest. Researchers are required to read and comply with both the Memorandum and this policy.

    All Researchers shall adhere to all Niagara College policies and procedures, including, but not limited to the; Human Participants, and Research Integrity policies.

    When it is not possible for a Researcher to avoid a Conflict of Interest, the Conflict of Interest shall be disclosed to Niagara College, as per Section 4, and steps shall be taken to minimize and/or manage the Conflict of Interest.

    No Researcher shall:
    a) Allow their actions or judgement in relation to the research activities, to be perceived to be detrimentally affected by personal, institutional or other interests, including business, commercial or financial interests, whether of the Researcher’s, their Family Members, their Friends, their former, current or prospective professional associations, or Niagara College;
    b) Allow personal or business interests to compromise impartiality and independence with respect to the research activities;
POLICY GROUP:  NC600 – Human Resources
POLICY TITLE:  Conflict of Interest

c) Engage students in research activities for the Researcher’s personal or business benefit, and without regard for the academic progress of the students; and/or
d) Accept funding from an organization that stands to benefit directly or indirectly, from the research activities, without prior authorization from Niagara College.

Any member who perceives another member to be in a conflict of interest situation, has a duty to report the perceived conflict at the earliest opportunity, to their Manager and/or Human Resources.

15. Employee Awareness
Each Employee will receive Niagara College’s conflict of interest policy in their offer of employment letter. Upon policy revisions, or as deemed necessary, the College may distribute the conflict of interest policy to Employees to ensure they are aware of its contents and requirements.

D. Related Documents

Policy  
NC600 Employee Code of Conduct  
NC100 College Role in Political Activities

Procedure:  NC600 Conflict of Interest

E. Document History

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<thead>
<tr>
<th>Date</th>
<th>Approval/Review/Key Change(s)</th>
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<tbody>
<tr>
<td>November 28, 2019</td>
<td>Separation of policy &amp; procedure, content update</td>
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