PROCEDURE TITLE: Conflict of Interest
RELATED POLICY: NC600 Conflict of Interest

A. Definitions

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: This is the case 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: A person under the employ of Niagara College either:

a) on a full-time, ongoing basis either under the terms of the Academic Employees Collective Agreement, the Support Staff Collective Agreement, or the Terms and Conditions for Administrative Employees; or
b) on a less than full-time and/or temporary basis under the terms of an employment agreement or a collective agreement.

Family Member: For the purposes of this policy, a family member is considered to be those connected to an individual by birth, adoption, marriage, civil partnership, or cohabitation, such as a spouse or common law partner (Spouse), parents or step-parents of the individual and Spouse, siblings, step-siblings, half-siblings, children, step-children, adopted children, nieces, nephews, aunts, uncles, grandparents and grandchildren of the individual and Spouse, 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, intimate/sexual and/or non-arm’s length relationship with an Employee.

Member of Niagara College (Member): For the purpose of this procedure, a Member is considered to be Employees, Governors, Program Advisory Committee members, subsidiary Board members, and does not include students, unless they are employed by Niagara College.
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B. Procedure Purpose

All Members are required to understand their obligations and avoid placing themselves in any Actual, Potential or Perceived Conflict of Interest situations, and to proactively disclose any Actual, Potential or Perceived Conflict of Interest. This procedure serves as an outline for identifying, disclosing, and addressing any Actual, Potential or Perceived Conflicts of Interest.

C. Procedure Statements

1. Each Employee will receive Niagara College’s Conflict of Interest policy or its link, in their offer of employment letter. If a new Employee declares any outside activity or employment, Human Resources will review the declaration to determine if the activity or employment is a contravention of the policy.

2. During the course of employment at Niagara College, Employees who believe they may be in a Conflict of Interest situation are required to immediately complete the Conflict of Interest Declaration form and submit it to their immediate supervisor for review.

3. The College requires full disclosure of information of its Employees on business, commercial or financial interests or personal relationships which could be construed as Actual, Potential or Perceived Conflict of Interest.

4. When Employees are uncertain if a conflict exists, the onus is on the Employee to immediately raise the Potential Conflict of Interest with their immediate supervisor.

5. Employees are required to notify their immediate supervisor of personal, business, commercial, or financial interests which could be construed to be Actual, Potential or Perceived Conflicts of Interest. All notification will be in writing, giving full disclosure of information regarding activities of conflict or Potential/Perceived Conflicts of Interest. For the purposes of making a determination under the Conflict of Interest policy, the College may request additional information.

6. The Employee’s supervisor will respond in writing within twenty (20) business days of the Potential Conflict of Interest. If the supervisor cannot provide a definite answer to the Employee’s Potential Conflict of Interest, or further investigation is required, they will so inform the Employee and provide a date by which the issues will be expected to be resolved.
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7. Should the supervisor need assistance to determine whether a Conflict of Interest exists, the supervisor will seek clarification through the appropriate Vice President and the Director, Human Resources.

8. If a Conflict of Interest is deemed not to exist, the Employee will be informed in writing with a copy sent to Human Resources to be placed in the Employee’s file.

9. If a Conflict of Interest is deemed to exist, the Employee will be informed in writing and the supervisor will advise the Employee of the necessary action to be taken to avoid, withdraw from, or otherwise resolve the situation. A copy will be sent to Human Resources to be placed in the Employee’s file.

10. After a Conflict of Interest has been deemed to exist, the supervisor will hold a follow-up meeting with the Employee to ensure compliance with the Conflict of Interest policy.

11. Where the supervisor or other College official becomes aware of a potential Conflict of Interest, the immediate supervisor will contact the Employee concerned to obtain clarification of the activities in question. The Employee must provide full disclosure of information regarding the personal, business, commercial or financial interests which have been construed as a Potential Conflict of Interest. The supervisor will respond as described above.

12. An Employee may request a review of the supervisor’s decision regarding the Potential Conflict of Interest, to the next level of management. This request will be made in writing within ten (10) business days of receiving the initial decision. A written decision on the review will be provided to the Employee within twenty (20) business days of receiving the request.

13. The required actions and form of investigation will, in all cases, depend on the circumstances, taking into consideration, the nature of the Conflict of Interest. In some cases, not all steps will be required or followed while in other cases, additional steps may be taken.

14. An Employee who is in a Conflict of Interest and failed to disclose it, may be subject to disciplinary sanctions, up to and including the termination of employment.

D. Forms

Conflict of Interest Declaration
Outside Activities Request