



<b>Policy Number:</b>	<b>CS-1306-1979</b>
<b>Policy Title:</b>	<b>Conflict of Interest</b>
<b>Policy Owner:</b>	<b>Chief Human Resources Officer</b>
<b>Effective Date:</b>	<b>April 1979</b>
<b>Last Revised:</b>	<b>November 16, 2016</b>

### **1. Purpose**

Mohawk College requires that all employees adhere to the highest standards of professional ethics. The purpose of this policy is to provide guidelines for all College employees with respect to conflicts of interest and to enhance public confidence in the integrity, accountability and transparency of Mohawk College's operations.

### **2. Application and Scope**

This policy applies to all employees of Mohawk College for the duration of employment. All employees are required to review this policy upon hire, and annually thereafter to ensure compliance.

### **3. Definitions**

**"Actual conflict of interest"** exists when an employee has a private or personal interest that is sufficiently connected to his/her duties or responsibilities as a College employee that it influences the execution of those duties and responsibilities.

**"Appeal Committee"** means a committee consisting of the Vice President, Academic, the Vice President, Corporate Services, and the Vice President, Student and Alumni Services.

**"Conflict of Interest Committee"** is a committee consisting of the Chief Human Resources Officer, the General Counsel and Corporate Secretary, and the Internal Auditor.

**"Employee"** refers to an individual in a direct employment relationship with Mohawk College; contract, part-time, or full-time. Employee does not refer to an individual in a fee for service working relationship with the College.

**"Family Member"** includes parents, siblings, spouse, children, grandparents and grandchildren of an employee, as well as any relative who lives in the same household as the employee.

**"Friend"** means any individual who has a close personal or business relationship.

**"Manager"** means an employee of the College who has supervisory responsibility for one or more employees.

**“Perceived conflict of interest”** exists when a reasonably well informed individual could properly have a reasonable belief that an employee has an actual conflict of interest, even if there is no actual conflict.

**“Potential conflict of interest”** exists when an employee has a private or personal interest that could influence the performance of an employee’s duties or responsibilities, even though he/she has not yet exercised that duty or responsibility.

**“Private Interest”** refers to any personal or financial affiliation or involvement of an employee that does not serve to benefit the College, but, rather, the individual employee and/or the employee’s family members or friends.

#### **4. Principles**

Mohawk College is committed to avoiding any actual, perceived or potential conflicts between the private interests of its employees and the interests of the College. This policy provides for the College to review, assess, and, as appropriate, provide direction to employees in situations where an actual, perceived or potential conflict of interest may exist.

### **5. Accountability and Compliance**

#### **5.1 Accountability Framework**

This policy has been approved by Senior Leadership Team.

#### **5.2 Compliance**

The Conflict of Interest Committee is authorized to ensure compliance with this policy.

### **6. Responsibilities of Employees**

Employees are prohibited from being involved in any outside activity which would impair their ability to perform their duties for the College.

#### **6.1 Transparency**

All College employees are obliged to conduct themselves in a transparent and accountable manner that would bear the closest public scrutiny.

#### **6.2 Duty to Disclose**

On their own initiative, employees are required to take measures to avoid conflicts of interest. Employees are expected to confidentially disclose any actual, perceived or potential conflicts of interest, in writing to the Conflict of Interest Committee for review and determination, with a copy to their Manager. The President shall disclose any actual, perceived or potential conflicts of interest to the Chair of the Board of Governors, and, if appropriate, to the Board. Members of the Mohawk Executive Group shall disclose any actual, perceived or potential conflicts of interest to the President. Disclosure of facts or circumstances which may be an actual, perceived or potential conflict of interest shall be made on the attached form attached as Appendix A to this policy.

The employee may have to cease activities that pose a potential conflict of interest while awaiting a decision from the Conflict of Interest Committee.

The decision of the Conflict of Interest Committee may be appealed to the Appeal Committee. An appeal under this section must be made in writing, with reasons supporting the appeal, within 15 days of the decision of the Conflict of Interest Committee. After considering the reasons of the employee, the Appeal Committee, shall decide the matter, and this decision shall not be subject to further appeal. A copy of the appeal and decision will be retained in the employee's personnel file, with a copy in the Office of the Internal Auditor.

## **7. Types of Conflict of Interest**

The following behaviours and situations may constitute inappropriate and impermissible conflicts of interest. If you are unsure whether or not a specific example is in violation of the policy, please consult with any member of the Conflict of Interest Committee or your manager. This list is not intended to be exhaustive.

### **7.1 Outside Activities**

Full-time employees shall not engage in any employment outside of the college before presenting all details of the employment to the Conflict of Interest Committee. Consent will not be unreasonably withheld provided no actual conflict of interest exists.

Full-time employees shall not engage in any outside employment, involvement or undertaking that is in competition, direct or indirect with the College.

No employee shall engage in any outside employment, involvement or undertaking:

- a. To the detriment of the College and its reputation, whether or not for personal gain;
- b. That may damage, through association, the reputation of the College;
- c. That interferes with the employee's ability to maintain competent performance of job responsibilities;
- d. That would force an employee to cut short or minimize work commitments to the College;
- e. In which an advantage is derived from affiliation with the College;
- f. That is performed on staff time;
- g. That is performed on College premises or takes advantage of College facilities, such as equipment, supplies, and services for personal gain;
- h. That would impose an overriding loyalty on the employee and would therefore restrict the use of independent judgement in the employee's discharge of his or her job responsibilities.

### **7.2 Personal Gain**

Employees must never use their affiliation with the College to advance private interests or act in any way that could harm the College's reputation. No employee shall use or seek to use their affiliation with the College to:

- a. Gain personal or financial advantage, direct or indirect;

- b. Solicit or accept favours or economic incentives from individuals, organizations, or entities known to be seeking education, employment, contracts, or alliances with the College;
- c. Leverage personal or private undertakings that are for unauthorized purposes.

### **7.3 Preferential Treatment:**

Employees must never use their positions or access to confidential information to receive or provide preferential treatment to others including but not limited to those seeking education or employment with the College (including summer students), or to do business with the College. No employee shall use his/her employment with the College to provide preferential treatment to any family member or friend in relation to employment, educational and contractual opportunities related to the College.

Employees must disclose any relationship that could lead to preferential treatment and a conflict of interest with the College.

### **7.4 Acceptance of Gifts:**

Employees may accept gifts, hospitality and other benefits that are associated with their duties and responsibilities with the College, and which are considered to be within the normal standards of courtesy, subject to the following limits:

- No employee may accept a gift with a value in excess of \$100 without the prior written approval of his/her manager on the form attached as Appendix B.
- No employee may accept meals, entertainment or hospitality with a value in excess of \$250 without the prior written approval of his or her manager on the form attached as Appendix B.
- No employee may accept meals, entertainment or hospitality, regardless of value, from the same person or entity more than once per calendar month without the prior written approval of his or her manager on the form attached as Appendix B.
- Under no circumstances can an employee accept a gift of cash, or cash equivalents such as gift cards.
- Under no circumstances can an employee accept gifts, meals, entertainment or hospitality, regardless of value, from a person or entity engaged in an active competitive bidding process for the College's business.

In determining whether to approve the acceptance by an employee of gifts, meals, entertainment or hospitality, the employee's manager shall consider whether the interests of the College are advanced by the acceptance of the gift, meal, entertainment or hospitality. If the interests of the College are not so served, the manager shall refuse to approve the acceptance. A copy of the completed approval form shall be sent to the Conflict of Interest Committee.

Employees must refuse gifts, hospitality, or other benefits that are offered from persons, groups or organizations dealing with the College that would influence, or be perceived to influence, an employee's professional judgement and the performance of work duties at the College or compromise the integrity of the College.

Acceptance of unauthorized or inappropriate gifts, hospitality or other benefits must be reported immediately to a manager.

## **8. Rules**

Failure to comply with this policy will result in disciplinary action, up to and including termination. Failure to cooperate in a review of a potential, perceived or actual Conflict of Interest or to provide adequate information when requested to do so may result in disciplinary action, up to and including termination.

## **9. Attachments**

Appendix A- Conflict of Interest Disclosure Form

Appendix B – Gifts and Entertainment Disclosure Form

## **10. Policy Revision Date**

### **10.1 Revision Date**

November 2019

### **10.2 Responsibility**

The Conflict of Interest Committee is responsible for reviewing this policy every three years or more frequently if appropriate.

## **11. Specific Links**

Mohawk College Employee Code of Conduct