

 <b>CAPILANO UNIVERSITY</b>		<b>POLICY</b>	
Policy No.	Officer Responsible		
<b>B.517</b>	<b>Vice President, People, Culture and Diversity</b>		
Policy Name			
<b>Conflict of Interest Policy</b>			
Approved by	Replaces	Category	Next Review
<b>Board</b>	<b>B.311 Employee Student Relationships Policy</b>	<b>HR</b>	<b>April 2027</b>
Date Issued	Date Revised	Date in effect	Related Policies
<b>April 30, 2024</b>	<b>NEW</b>	<b>April 30, 2024</b>	<b>B.506 Standards of Conduct Policy B.310 Protected Disclosure (Whistleblower) Policy</b>

## 1. PURPOSE

- 1.1. This policy will help Employees identify real or perceived Conflicts of Interest or Conflicts of Commitment and understand their obligations to act in the best interests of the University.
- 1.2. It is recognized that a conflict may occur regardless of intent or an implication of wrongdoing. This policy is intended to assist Employees in recognizing, disclosing, and managing Conflicts of Interest and Conflicts of Commitment, and through an established and transparent process, protect both the University and all Members of the University Community who could be impacted by such conflicts.
- 1.3 This policy will be applied in a reasonable manner and any alleged breaches will be reviewed using the principles of procedural fairness<sup>1</sup>.

## 2. SCOPE

- 2.1. This policy applies to all Employees of the University, and in all situations where an Employee's activities, whether internal or external to the University, may be in conflict, or perceived to be in conflict, with the interests of the University.
- 2.2. This policy also covers Conflicts of Interest that may or may be perceived to arise out of relationships between employees and students which could give rise to perceptions of bias, unfair advantage, or unfair treatment.

---

1. Procedural Fairness has been defined by courts and tribunals, and refers to the process being fair to participants in that they have the right to be heard and the right to have an impartial person making the decision on the outcome. The Canadian Council of Parliamentary Ombudsman describe this as 'fair process'.

2.3. This policy and its supporting procedure *does not* cover

- a) instances where it is alleged that a deliberate and/or unlawful deception with the intention of obtaining an unauthorized benefit from the University for personal gain has occurred. This is addressed by B.217 Fraud Prevention and Investigation Policy and B.217.1 Fraud Reporting and Investigation Procedure.
- b) The receipt or exchange of Gifts of minimal value as per B.212 Honoraria and Gifts Policy.

### 3. DEFINITIONS

**“Administrator”** means an employee that works in a managerial role. This includes, but is not limited to Deans, Associate Vice-Presidents, University Librarian, Directors, Managers, HR Business Partners and any other equivalent positions. Administrators are excluded from or not represented by a union.

**“Conflict of Commitment”** means the personal activities of an employee are, or might, be perceived to be so substantial and demanding of the employee’s time and attention as to hinder the completion of the employee’s remunerated responsibilities to the University. Conflicts of Commitment may include (but not limited to) completing personal contract work on University owned equipment; soliciting students as customers for a business you operate outside of your role with the University; working for another employer during your University hours of work.

**“Conflict of Interest”** means an employee uses, or has the potential to use, their position at Capilano University to benefit themselves, their business or professional interests, or those of a Related Person(s), or otherwise compromises their dedication and obligations to the interests of the University. A Conflict of Interest can be actual, potential, or perceived, and may involve Personal, Financial or other interests.

**“Employee”** means any person employed by the University.

**“Employment”** means a remunerated work agreement between the University and an Employee.

**“Financial interest”** means the expectation to receive remuneration, Gifts, or anything with a significant monetary value. For example, consulting fees, bonuses, speaker’s fees, advisory board remuneration, finders or recruitment fees, or honoraria), equity interests (for example, stocks, stock options or the like), security or other ownership interests, and intellectual property rights (for example, patents, copyrights, royalties or carried interests or options related to such rights).

**“Gifts”** means not only articles of minimal value as per B.212 Honoraria and Gifts Policy, but also includes and is not limited to travel, accommodation, and money, including those that might be provided by commercial external sponsors of continuing education programs or conferences in which the employee is playing no role other than attendee.

**“Member of the University Community”** means employees, students, board members and volunteers.

**“Perceived Conflict of Interest or Commitment”** means a situation where there is a possibility that a reasonably well-informed observer perceives the existence of a Conflict of Interest or Commitment.

**“Potential Conflict of Interest or Commitment”** means a situation where a Private Interest exists that could reasonably be expected to lead to a Conflict of Interest or Commitment with the employee’s obligations to the University but this has not yet occurred

**“Private Interest”** means an interest that benefits an employee, or their business or profession or to a Related Person(s), and includes Financial or Personal Interests.

**“Related Person”** means a person related by blood, adoption, marriage or common-law marriage, or a person with whom an individual has, or had, a personal relationship, including a close personal friend, or romantic or intimate (including but not limited to sexual) relationship with the Employee; commercial or business relationships; relationships between persons whose economic interests are closely interrelated; or other significant relationships

**“Student”** means an individual enrolled in any course (credit or non-credit) at the University.

#### **4. POLICY STATEMENT**

4.1. A Conflict of Interest occurs when an Employee’s Private Interests are in conflict, or could result in a perception of conflict, with the Employee’s duties or responsibilities in such a way that:

- a) The Employee’s ability to act in the public interest could be impaired; or
- b) The Employee’s actions or conduct could undermine or compromise:
  - i) the public’s confidence in the Employee’s ability to discharge work responsibilities;
  - ii) a Student’s well-being by way of using the Employee’s position of authority to inappropriately advance, protect, influence, or harm the interests of a Student with whom they have a relationship; or
  - iii) the trust that the public places in the BC Post-Secondary System.

- 4.2. While the University recognizes the right of Employees to be involved in activities as citizens of the community, conflict must not exist between Employees' Private Interests and the discharge of their employment duties. Upon accepting a position with Capilano University, Employees must arrange their private affairs in a manner that will prevent actual or perceived Conflicts of Interest from arising, or that could imply that the activity is an official act of the University or is University supported.
- 4.3. It may not be possible to document every instance in which a Conflict of Interest might occur or be perceived to occur. Since such instances are extensive and cannot all be covered by policy, Employees are expected to always conduct themselves with the highest of ethical standards and in a manner which will bear the closest scrutiny. Examples of Conflicts of Interest include, but are not limited to, the following:
- a) Assigning a required book or text for which you receive royalties.
  - b) Involvement in negotiating contracts for the University with a company for which you have a financial interest;
  - c) You give preferential treatment to an individual, corporation, or organization, including a non-profit organization, in which you , or a Related Person has an interest, financial or otherwise;
  - d) An Employee benefits from, or is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of the Employee's employment;
  - e) An Employee benefits from or is reasonably perceived by the public to have benefited from, a University transaction over which the Employee can influence decisions (i.e., investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals, appointments); and/or an Employee accepts a personal gift or benefit.

#### **Employee/Student Relationships**

- 4.4. It is important to ensure fair methods of instruction, supervision, evaluation and decision-making in relation to Students, and to eliminate any actual, or perceived Conflicts of Interest arising out of relationships between Employees and Students. When an Employee can be rightly accused of actual or perceived conflict, or using their position of authority to inappropriately advance, protect, influence, or harm the interests of a student with whom they have a relationship, there exists a conflict of interest. Such conflicts have the potential to harm the integrity and fundamental mission of the University. Thus, the issue of conflict of interest needs to address situations where there is a reasonable apprehension that a relationship between an employee and a student may confer or may be perceived to confer upon a student an unfair advantage or to subject a student to an unfair disadvantage.

- 4.5. All Employees must recognize the power they have in relation to Students (for example, in grading, practicum supervision, academic advising, counselling, awarding of scholarships, and the provision of references for graduate and professional schools, or employment). This power imbalance between an Employee and a Student must not be used for the personal benefit of either.
- 4.6. Transparency may be a sufficient safeguard following documented disclosure of the relationship to the Administrator responsible for the employee in some situations or a mitigation plan may be required to be put into place including arrangements for instruction, supervision, evaluation or decision-making. The process for disclosing and reporting a potential or an actual conflict of interest between an Employee and a Student is outlined in B.517.1 Employee Student Relationships Procedure.

### **Conflict of Commitment**

- 4.7. A Conflict of Commitment may occur when an Employee engages in activities that are unrelated to the University and are sufficiently demanding of their time to interfere with the discharge of their Capilano University work.
- 4.8. University resources may not be used for activities that do not primarily benefit the University or enhance its reputation. It is considered inappropriate for Employees to make use of University property or other University resources to advance their Private Interests during their employment, including the use of their remunerated University work-time.
- 4.9. Disclosure of an actual, perceived or potential Conflict of Interest or Conflict of Commitment should be done by following the process laid out in article 5 below. Any Employee who knowingly fails to comply with this policy may be subject to disciplinary action.

## **5. SELF-DISCLOSURE OF POTENTIAL, PERCEIVED OR ACTUAL CONFLICT OF INTEREST OR COMMITMENT**

- 5.1. Employees are required under this policy, to avoid Conflicts of Interest or Commitment, ensuring their private affairs do not create a perceived or actual Conflict of Interest or Commitment. Employees are accountable for prompt and accurate disclosure. Employees seeking to disclose a potential or perceived Conflict of Interest, must follow these steps:
  - a) Identify the potential, perceived, or actual Conflict of Interest and disclose verbally to their Administrator.
  - b) Complete Conflict of Interest Disclosure Form
  - c) Submit the Conflict of Interest Disclosure Form to their Administrator as per 5.1.1.

- d) Following form submission, the Administrator will consult with their People, Culture & Diversity representative to determine if there is a conflict and, if so, if it can be resolved or mitigated.

## **6. REPORTING POTENTIAL, PERCEIVED OR ACTUAL CONFLICT OF INTEREST**

- 6.1. Where a Conflict of Interest or Commitment is determined to be unintentional and absent of wrongdoing, the University may opt for resolving in a manner that allows for restoration and/or education.
- 6.2. In accordance with B.506 Standards of Conduct, Members of the University Community who become aware of a situation they believe constitutes a deliberate act of commission or omission involving a Conflict of Interest have a duty to report following the procedures set out in B.310 Protected Disclosure (Whistleblower) Policy and Procedure.
- 6.3. The process for disclosing and reporting a potential or an actual conflict of interest between an Employee and a Student is outlined in B.517.1 Employee Student Relationships Procedure.

## **7. DESIGNATED OFFICER**

The Vice President, People, Culture and Diversity is the Policy Owner, responsible for the oversight of this Policy. The Administration of this Policy and the development, subsequent revisions to and operationalization of any associated procedures is the responsibility of the Strategic Director, People, Culture and Diversity.

## **8. RELATED POLICIES AND GUIDANCE**

- B.517.1 Employee-Student Relationships Procedure
- B.212 Honoraria and Gifts Policy
- B.217 Fraud Prevention and Investigation
- B.310 Protected Disclosure (Whistleblower) Policy
- B.511 Discrimination, Bullying & Harassment Policy
- B.512 Human Rights, Diversity, Inclusion and Equity Policy

## **9. REFERENCES**

Fairness by Design: An Administrative Fairness Assessment Guide. Canadian Council of Parliamentary Ombudsman (2022).