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## Conflict of Interest

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| <b>Policy Sponsor:</b> | Governors of Athabasca University              |
| <b>Policy Contact:</b> | Director, Human Resources                      |
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| <b>Approval Group:</b> | Governors of Athabasca University              |
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| <b>Review Date:</b>    | Annually                                       |
| <b>Procedures:</b>     | <a href="#">Conflict of Interest Procedure</a> |

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### Purpose

To protect the interests and reputation of Athabasca University and Members of the University Community by establishing basic principles respecting the recognition, reporting and management of Conflicts of Interest.

### Definitions

**Board** The Governors of Athabasca University

**Conflict of Interest** A situation in which a Member or a Member's Related Party has a personal or financial interest which in the opinion of a reasonably informed and well advised person is sufficient to call into question the ability of the Member to maintain the impartiality, independence, and objectiveness that the Member is obliged to exercise in the performance of the Member's duties on behalf of the University, or call into question the ability of the Member to act in the best interests of the University, and includes a Conflict of Commitment.



**Conflict of Commitment**

A situation in which a Member engages in activities external to those they undertake on behalf of the University which are so substantial or demanding of the Member's time and attention that they adversely affect the discharge of the Member's responsibilities to the University.

**Conflict Review Officer**

The holder of the position or office to whom the Reporting Officer reports (or another person designated to fulfill that role).

**Member**

Member of the University Community

**Plan**

A plan as to how a Conflict of Interest shall be managed, which is developed and approved in accordance with this Policy and related Procedure.

**Potential Conflict**

A situation in which a Member or a Member's Related Party has a personal or financial interest which is such that a person who is not in position of all the relevant facts might reasonably be concerned that a Conflict of Interest could exist.

**Related Party**

Is any person, or any legal entity (including corporations, joint ventures, partnerships, associations, and foundations) whose connection with the Member is such that in the opinion of a reasonably informed and well advised person the Member might be influenced to act in the best interests of the person or legal entity rather than that of the University, and includes:

- a) the Member's immediate family,
- b) persons living in the Member's household,
- c) persons with whom a Member has, or had a close or intimate personal relationship,
- d) persons with whom the Member shares, directly or indirectly, a financial interest,
- e) persons to whom the Member owes a financial or moral obligation,



- f) a legal entity in respect to which the Member or other Related Party sits on the board of directors or governing body,
- g) a privately held legal entity in which the Member or other Related Party holds, directly or indirectly, an ownership interest by way of shares or otherwise, or
- h) a publicly held legal entity in which the Member or other Related Party holds shares amounting to a market value of greater than \$50,000 or representing more than 10% of the entity's outstanding shares.

**Reporting Officer**

For any Member, the holder of the position or office to whom the Member reports, or who has managerial responsibility over the Member (or another person designated to fulfill that role).

**University**

Athabasca University

**University Community**

Persons who are members of the executive, managerial, academic, professional and support staff of Athabasca University whether full time, part time, continuing or fixed term, tutors, markers, academic experts, visiting and adjunct academics, academic coaches, contractors and volunteers who contribute to University activities or who act on behalf of the University with the exception of the Board of Governors of Athabasca University which has rules pertaining to Conflict of Interest contained within the General Bylaws of the Board.

**Policy Statements**

All persons have personal interests, some of which are financial and some of which are non-financial. Those personal interests may be direct, or may arise from the person's relationship with a Related Party. Such personal interests are natural and often facilitate personal and professional growth and development. However, given the obligations that Members have to the University it is inevitable that on occasion, some Members will have personal interests that may reasonably be perceived to be such as to interfere with independence, impartiality, and objectiveness that the Member is obliged to exercise in the performance of the Member's duties on behalf of the University, or with the ability of the Member to act in the best interests of the University.



All Members in fulfilling their roles in connection with the University are expected to conduct themselves at all times with the highest ethical standards in a manner that will bear the closest scrutiny. It is impossible to come up with an exhaustive list of all possible circumstances which may give rise to a Conflict of Interest, but to assist in recognition of situations in which Conflict of Interest exist examples are provided in the related Procedure.

The existence of a Conflict of Interest does not necessarily connote misconduct, or necessarily prevent the involvement of the Member in the situation to which the Conflict of Interest relates. However, to protect the overall interests of the University and the Members themselves it is vital that Conflicts of Interest and Potential Conflicts be recognized, reported, assessed and appropriately managed. Sometimes on assessment it will be apparent that there is in fact no Conflict of Interest. Other times the Conflict of Interest may be managed in a fashion that permits the continued involvement of the Member. Sometimes protection of the reputation and interests of the University and the Member require that the Member have no further involvement in decisions or actions relating to the issue that gives rise to the Conflict of Interest.

On becoming a Member all Members must provide a written report to the Reporting Officer identifying any circumstances which give rise to a Conflict of Interest or Potential Conflict involving that Member.

All Members must provide annual updated written report to the Reporting Officer identifying any circumstances which give rise to a Conflict of Interest or Potential Conflict involving that Member.

All Members, on becoming aware that they or a Related Party may have a personal or financial interest that could give rise to an Conflict of Interest or Potential Conflict which has not already been reported, assessed, and managed in accordance with this Policy and related Procedure must immediately provide a updated written report to the appropriate Reporting Officer identifying any circumstances which give rise to the Conflict of Interest or Potential Conflict.

Where Conflict of Interest or Potential Conflict has been identified the Member involved must not carry out the activity giving rise to the Conflict of Interest or Potential Conflict until the Conflict of Interest or Potential Conflict has been assessed in accordance with this Policy and related Procedure, and approval to proceed has been given to the Member. Approval to proceed may be given where on assessment it is determined that there is no Conflict of Interest. Where, following assessment, it is determined that a Conflict of Interest exists, approval may nevertheless be given as part of a Plan for management of the Conflict of Interest developed and approved in accordance with this Policy and related Procedure. If a Plan has been approved, Members shall engage in the activity to which the Conflict of Interest relates only as set out in the Plan.

In the event that a Member disagrees with the assessment of the Reporting Officer as to whether a Conflict of Interest exists, or disagrees with a Plan for management of a



Conflict of Interest involving that Member, the Member may appeal the assessment, or the Plan to the Conflict Review Officer in accordance with this Policy and the related Procedure.

In addressing any Conflict of Commitment involving any Member whose terms and conditions of employment are set out in the Collective Agreement between the Board and the Athabasca University Faculty Association the Reporting Officer shall refer the Conflict to the appropriate Executive Officer to be addressed in accordance with Article 20 of the Collective Agreement.

Conflicts of Interest in Research shall be addressed in accordance with the University's Conflict of Interest in Research Policy and the Ethical Conduct for Research involving Humans Policy.

Conflicts of Interest of members of the Board acting in that capacity shall be addressed in accordance with the Board of Governors of Athabasca University General Bylaws rather than under this Policy. Where members of the Board are also Members in other capacities, they must follow this Policy in regard to Conflicts of Interest or Potential Conflicts that are not connected with their role on the Board.

Failure to comply with this Policy constitutes misconduct, and may be subject to discipline. The discipline imposed will be commensurate with the seriousness of the violation taking into account mitigating and aggravating factors. Any such discipline shall be addressed in accordance with the collective agreement, policies, or contract to which the Member is subject or is a party.

### **Applicable Legislation and Regulations**

N/A

### **Related References, Policies, Procedures and Forms**

[Board of Governors General By-Laws](#)

[Conflict of Interest in Research Policy](#)

[Ethical Conduct for Research Involving Humans Policy](#)

[Examinations for Athabasca University Staff Members Policy](#)

### **History**

Governors of Athabasca University, June 7, 2013, Motion # 183-08 (amended)

Executive Group December 5, 2001 (amended)

Executive Group November 1999 (approved)