
Conflict of Interest

Policy Sponsor:	Governors of Athabasca University
Name of Parent Policy:	Conflict of Interest
Policy Contact:	Director, Human Resources
Procedure Contact:	Director, Human Resources
Effective Date of Procedures:	March 24, 2014
Review Date:	Annually

Purpose

To outline the procedure for reporting Conflicts of Interest and Potential Conflicts, for assessment of Conflicts of Interest and Potential Conflicts, for development of Plans to manage Conflicts of Interest and for appeals regarding assessments that a Conflict of Interest exists or of the Plan to manage a Conflict 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).

Disclosure Report

A report prepared and submitted by a Member disclosing the existence or non-existence of a Conflict of Interest or Potential Conflict, which shall be in the form prescribed by this procedure.

Member

Member of the University Community

Non-University Activity

Is any activity outside the Member's scope of work and responsibility with the University.

Nominal Value

Less than \$250 from a single source in a fiscal year.

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).

Student

Is a student at the University

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.



Procedure

1. Recognizing Conflicts of Interest

It is impossible to come up with an exhaustive list of all possible circumstances which may give rise to a Conflict of Interest. Rather, all Members must conduct themselves at all times with the highest ethical standards in a manner that will bear the closest scrutiny. The following are a few examples of situations in which a Conflict of Interest exists:

- Where a Member receives monetary or other payments (other than normal salary, benefits and expenses) that would not have been offered but for the Member's relationship with the University. Such payments include gifts or favours, other than gifts or favours of Nominal Value presented as a matter of hospitality or protocol.
- Where a Member has or has had a close or intimate personal relationship with a Student the Member's responsibility to instruct and evaluate Students in a fair, unbiased and effective manner could be impaired or compromised. An inherent power imbalance exists between Members and Students which must not be used for personal benefit.
- Where a Member or Related Party has a financial interest in the Member's teaching or other activities on behalf of the University, other than salary, benefits, or other contractual compensation flowing to the Member.
- Where a Member has influence over a decision by or on behalf of the University in respect to a decision to purchase services or goods from a Related Party.
- Where a Member is in a position to influence human resources decisions (including but not limited to decisions about recruitment, offers of employment, performance evaluation, promotion, granting of tenure, discipline or termination of employment) in respect to a Related Party.
- Where a Member uses his or her position with the University to solicit Students, other Members, government agencies, private companies or members of the public for Non-University Activities including employing Students or other Members in a personal or commercial matter.
- Where a Member uses information acquired as a result of his or her relationship with the University which is not in the public domain for personal benefit (unless the Member has proprietary rights to that information).
- Where a Member uses the name or insignia of the University or any of its offices or organizations, in any Non-University Activity in any manner that explicitly or implicitly purports that the Member represents the University or speaks for the University in regard to that Non-University Activity.
- Where a Member uses the premises, facilities, property or services of the University to promote or serve the interests of a Related Party.
- Where a Member accepts any material or financial benefit from any person or organization for using the Member's position with the University to favour or promote that person or organization.
- Where the member has a Conflict of Commitment.



Where a Member is uncertain as to whether a given situation constitutes a Conflict of Interest or Potential Conflict which must be reported in accordance with this Procedure the Member must seek guidance from the Member's Reporting Officer.

2. Disclosure of Conflicts of Interest and Potential Conflicts

All Members who are employees of the University must, at the time of hire, provide Human Resources with a completed [Conflict of Interest Disclosure Report](#). A copy of the [Conflict of Interest Disclosure Report](#) is to be forwarded to the Reporting Officer.

All Members who are employees of the University must indicate in writing that they have read and are in compliance with the Conflict of Interest Policy and Procedure, either at the time of their annual performance appraisal or at such other time as they may be directed by their Reporting Officer. If there is a Conflict of Interest or a Potential Conflict, the employee must provide their Reporting Officer with a completed [Conflict of Interest Disclosure Report](#). A copy of the [Conflict of Interest Disclosure Report](#) is to be forwarded to Human Resources.

All Members who are not employees of the University must, when engaged to provide services to or perform functions on behalf of the University, provide to their Reporting Officer a completed [Conflict of Interest Disclosure Report](#), and if their engagement continues for greater than one year, must provide an updated [Conflict of Interest Disclosure Report](#) to their Reporting Officer no less than annually, at such time as they are directed to do so by their Reporting Officer.

All Members on becoming aware that they or a Related Party may have a personal or financial interest that could give rise to a 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 an updated [Conflict of Interest Disclosure Report](#) to their Reporting Officer.

3. Conduct Pending Assessment

Where a Member's [Conflict of Interest Disclosure Report](#) identifies a Conflict of Interest or Potential Conflict which has not previously been reported, assessed and managed in accordance with this Policy and Procedure the Member 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.

On being advised by the Reporting Officer that on assessment of the [Conflict of Interest Disclosure Report](#) it has been determined that no Conflict of Interest exists, the Member may proceed to carry out their functions in the usual course.

On being advised by the Reporting Officer that on assessment of the [Conflict of Interest Disclosure Report](#) it has been determined that a Conflict of Interest exists, the Member will consult with the Reporting Officer regarding possible methods of managing the conflict, and will engage in activities in respect to which the Conflict of Interest exists



only as may be set out in the Plan for management of the Conflict of Interest that is established by the Reporting Officer.

4. Reporting Officers, Assessments and Plans

Ordinarily Reporting Officers shall be determined by reference to the definition set out in this Procedure. If it is necessary or appropriate for any reason (including but not limited to a Potential Conflict or Conflict of Interest on the part of the usual Reporting Officer) to designate a different Reporting Officer for a Member, the responsible Executive Officer of the University will determine who will serve as that Member's Reporting Officer, and the Member will be advised, in writing, as to who will be their designated Reporting Officer.

Reporting Officers are responsible for:

- a) Ensuring that on the hiring of new employees, the new employee receives a copy of this Policy and the Related Procedure, and that that new employee provides them with a completed [Conflict of Interest Disclosure Report](#).
- b) Ensuring that on the engagement of a Member to a role other than employment (i.e. on retaining a contractor, volunteer, visiting or adjunct academic, an academic coach etc.) that the new Member receives a copy of this Policy and the Related Procedure, and that that new Member provides them with a completed [Conflict of Interest Disclosure Report](#).
- c) Ensuring that each Member for whom they are the Reporting Officer provides them with an updated [Conflict of Interest Disclosure Report](#) annually. For Members who are employees that will ordinarily be provided in conjunction with the Member's annual performance appraisal, though where appropriate the Reporting Officer may direct the Member to submit an update [Conflict of Interest Disclosure Report](#) at different times so as to ensure updated [Conflict of Interest Disclosure Reports](#) are received at least annually.
- d) Reviewing, considering and assessing all [Conflict of Interest Disclosure Reports](#) they receive to determine if a Conflict of Interest exists, having regard to the definition of Conflict of Interest in this Procedure.
- e) Providing the results of their assessment of any reported Conflict of Interest or Potential Conflict, in writing, to the Member
- f) Where assessment results in a conclusion that a Conflict of Interest exists consulting with the Member respecting possible methods to manage the Conflict of Interest
- g) In determining whether it is possible to manage the Conflict of Interest in a fashion that involves continued participation of the Member in the activity giving rise to the Conflict of interest considering all relevant factors, including, but not limited to:



- i. Any possible harm (including harm to reputation) to the University, its Members, Students, or others served by the University if the Member is allowed to continue to participate in the activity giving rise to the Conflict of Interest.
 - ii. Whether reasonable alternative arrangements are possible which do not create a Conflict of Interest or whether conditions can be imposed which eliminate the Conflict of Interest.
 - iii. The consequences to the University, its reputation and future activities if the Member is, or is not, permitted to continue to participate in the activity giving rise to the Conflict of Interest.
 - iv. The rights and interests of the Member.
- h) Where assessment concludes a Conflict of Interest exists and the Reporting Officer concludes that it is not possible to manage the Conflict of Interest in a manner that involves continued participation by the Member in the activity giving rise to the Conflict of Interest, advising the Member of that conclusion in writing.
 - i) Where assessment concludes a Conflict of Interest exists and the Reporting Officer concludes that it is possible to manage the Conflict of Interest in a manner that involves continued participation by the Member in the activity giving rise to the Conflict of Interest, providing the Member with a Plan, in writing, setting out the terms and conditions under which the Member may carry out activities associated with the Conflict of Interest.
 - j) Ensure that the activities associated with the Conflict of Interest are monitored and managed so as to ensure compliance with the Plan.
 - k) Where deemed necessary and appropriate as a result of monitoring of the activities, amend the Plan (which may include determining that it is not in fact possible to manage the Conflict of Interest in a manner involving continued participation by the Member), and provide the Member with the amended Plan, in writing.
 - l) Consulting as the Reporting Officer deems appropriate with the Reporting Officer's own Reporting Officer, and/or the University Officers responsible for Human Resources, Risk Management, or Procurement in respect to any decision to be made by the Reporting Officer under this Policy and Procedure.
 - m) Keeping their own Reporting Officer apprised of all situations in which they have on assessment determined a Conflict of Interest exists, including apprising their own Reporting Officer of all Plans and amended Plans.
 - n) Ensuring that records are maintained in respect to matters related to this Policy for all Members for whom they are the Reporting Officer.



5. Appeals

If a Member disagrees with an assessment by their Reporting Officer that a Conflict of Interest exists, or disagrees with a Plan or amended Plan for management of a Conflict of Interest, the Member may appeal, to the Conflict Review Officer. Any appeal shall be in writing, setting out the Member's reasons for disagreeing with the Reporting Officer, and must include copies of the [Conflict of Interest Disclosure Report](#), the written notice of the results of the Reporting Officer's Assessment and, if applicable, the Plan.

The Conflict Review Officer will ordinarily be the holder of the position or office to which the Reporting Officer reports. Where for any reason (including but not limited to a Potential Conflict or Conflict of Interest on the part of the usual Conflict Review Officer) it is necessary or appropriate to designate a different Conflict Review Officer, the responsible Executive Officer of the University will determine who will serve as the Conflict Review Officer for the purposes of the appeal, and the Member and the Reporting Officer will be advised, in writing, as to who will act as Conflict Review Officer for the purposes of the appeal.

The Conflict Review Officer may, in his or her discretion, refuse to hear an appeal that is filed more than 30 days after the Member received the written notice of results of the assessment, or the Plan which is the subject of the Appeal.

The Conflict Review Officer may, in his or her discretion, make inquiries of the Member, the Reporting Officer or both, and may in his or her discretion consult with the Conflict Review Officer's own Reporting Officer, and/or the University Officers responsible for Human Resources, Risk Management, or Procurement in respect to any decision to be made by the Conflict Review Officer.

The Conflict Review Officer may uphold, vary or revoke the decision of the Reporting Officer which is under appeal. The Conflict Review Officer will provide his or her decision, in writing, to the Member and the Reporting Officer.

The Conflict Review Officer may, in his or her discretion, apprise the Conflict Review Officer's own Reporting Officer, and/or Senior Officers of the University of matters which come before them pursuant to the Policy.

6. Confidentiality

To the extent permitted by law and this Procedure, a Member's disclosure of a Conflict of Interest or Potential Conflict will be kept confidential, subject to reasonable disclosure to University Members whose duties appropriately require or permit their being informed. Without restricting the generality of the foregoing, this provision does not apply to limit the ability of the Reporting Officer or the Conflict Review Officer to consult or to apprise others of matters related to this Policy.

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](#)

[Conflict of Interest Disclosure Report Form](#)

History

Governors of Athabasca University, June 7, 2013, Motion # 183-08 (associated policy approved)