

Policy History
Policy No. HR1
Approving Jurisdiction: President
Administrative Responsibility: Vice President Finance & Administration / AVP Human Resource Services
Effective Date: November 20, 2014

Conflict of Interest Procedure

A. DEFINITIONS

1. **Allegations:** reports or assertions made about the behaviour of an individual or individuals that have not been proven.
2. **Appropriate supervisor or vice-president:** usually the appropriate supervisor is the person in charge of the unit in which the employee works or in which the behaviour of concern occurred/is occurring. For faculty, this is usually the dean of the Faculty. The appropriate vice-president is the senior University official with overall responsibility for the area or whomever the President may designate as equivalent.
3. **Bad faith disclosure or report:** information provided which the discloser knows, or should reasonably have known, is false, and/or is based on inadequate evidence, and/or is intended to cause harm to an individual and/or to the University.
4. **Confidentiality:** held in a state of trust; not disclosed to any person not entitled to have the information.
5. **Conflict of interest:** any situation when a KPU employee has, or could be perceived by a reasonable person as having, a personal or private interest sufficient to cause a reasonable person to question whether the employee is, or could be, influenced in the objective exercise of his/her duties to KPU; and/or where the activities of a KPU employee have the intention or effect of advancing his/her own interests, or those of a related party in a way that may be detrimental, or potentially detrimental, to the normal operations, the integrity, or the fundamental mission of KPU; and/or deriving personal benefit from an action or decision made in the course of the employee's execution of his/her normal job duties; and/or where an employee's outside interests have a negative impact on the University's operations. Conflict of interest may apply to situations where there is actual, potential or an appearance of conflict of interest.
6. **Disclosure:** any written submission of information reporting alleged misconduct, wrongdoing, or irregularity in an acceptable form outlined in the Protected Disclosure Policy to the appropriate

supervisor or vice-president or to any University official; a discloser is one who makes a disclosure.

7. **Good-faith disclosure or report**: information provided which is based on the discloser's best understanding of the situation and/or is based on adequate evidence, and is made in the best interests of the University.
8. **Impartial, impartiality**: disinterested, independent behaviour that is free of favouritism and prejudice; treating all parties with the same consideration.
9. **Integrity**: sincerity and candour; adherence to a moral code that is reflected in transparent honesty and complete harmony in what one thinks, says, and does.
10. **Perceived or apparent conflict of interest**: a perceived conflict of interest is a situation where an actual or potential conflict of interest may or may not exist, but where there may be, nonetheless, from the perspective of a reasonably well-informed, impartial observer, a perception of conflict of interest.
11. **Personal advantage or consideration**: Any financial, reputational, professional benefit or other benefit that affects employment or academic standing, that devolves to the individual or any related party.
12. **Personal relationship**: kinship, marriage, affectional, or business connection to another person(s).
13. **Private or proprietary University information**: information, publications, documents, or records belonging to the University, and/or personal information entrusted to the University by a third party, and/or pertaining to the business or affairs of the University that are not in the public domain and are acquired by virtue of status as a KPU employee.
14. **Public trust and confidence**: the general public's belief that KPU will fulfill its mandate effectively, ethically and efficiently employing generally accepted practices for good management in accordance with the law.
15. **Records**: books, documents, maps, letters, memos, meeting agendas and minutes, papers, photos, reports, databases, and any other device on which information is recorded or stored by graphic, electronic, mechanical or other means.
16. **Related party**: a KPU employee's immediate family (e.g., spouse, partner, parent, child, or sibling), or person living in the same household, any other person with whom the KPU employee shares a financial interest, either directly or indirectly, or any entity in which the KPU employee has an ownership interest of greater than 5%.
17. **Reprisal, either direct or indirect**: any action taken by the University or a member of the University community against another member of the University community that adversely affects the status or well-being of the latter. This includes, but is not limited to, disciplinary action, termination, adversely affecting employment conditions, a threat to do any of the above; threatening, intimidating or coercing, discriminating, or retaliating in any manner that affects

academic standing, grades, enrolment status or any other rights, opportunities, or privileges of such person or otherwise disadvantages the individual or denies that individual a benefit.

18. **Reputation:** the overall quality or character as seen or judged by people in general; place in public esteem or regard.
19. **Student:** A KPU student is defined as an individual who is registered in credit courses or has commenced studies in non-credit courses and has maintained his/her eligibility to register.
20. **University:** in this policy, University refers to Kwantlen Polytechnic University (KPU).
21. **University official:** includes but is not limited to a manager, supervisor, dean, director, Vice-president, or President or equivalent as designated by the President.
22. **University property and resources:** Property provided by the University to enable work to be performed, as well as information and material collected or created by KPU employees in the course of employment, is owned by the University. Property may include, but is not limited to: facilities (buildings and grounds), furniture, equipment (photocopiers, calculators, lab equipment, staplers, etc.), keys, tools, clothing, petty cash/change funds, control/access cards, procurement cards, books and University paid subscriptions, employee ID cards, supplies, and information system resources and files (records and information compiled and maintained in the course of employment) and information technology equipment (computing devices, mobile communication devices, phone cards, printers, long distance access codes, printers, other peripheral devices); applications and operating systems that run on these devices; servers, mainframes and other technologies; and files, emails and data developed and maintained in the course of employment. Services provided by KPU employees for which they are remunerated by KPU are also the property of the University.

B. PROCEDURES

1. KNOWLEDGE OF POLICIES AND STANDARDS
 - a. The University will make reasonable attempts to inform employees of new policies and changes to KPU policies. It is the responsibility of every KPU employee to be familiar with all KPU policies and any changes to them as they are made.
 - b. In order to ensure that KPU employees are not in conflict of interest situations, University-wide rules and standards which can be applied to specific areas of the University will be developed and distributed with the approval of the Associate Vice-president Human Resources and the President.
 - c. Unit level administrators will develop guidelines addressing conflict of interest situations likely to arise in their work area based on the University-wide rules and standards to assist employee adherence to the policy. These must be made known to employees in each area.
 - d. Contravention of guidelines developed for specific work areas will be deemed a contravention of this policy.
 - e. To avoid a possible conflict of interest, an employee shall seek guidance from his/her supervisor before engaging in any activity she/he thinks may present a conflict of interest.

2. REPORTING ACTUAL, PERCEIVED, OR POTENTIAL CONFLICT OF INTEREST
 - a. Self-reporting: Any employee who suspects or becomes aware that she/he is, or may be, in a conflict of interest is expected to promptly inform his/her immediate supervisor or the appropriate vice-president providing all pertinent details surrounding the possible conflict.
 - b. Reporting perceived breaches of this policy: Any employee who knows or believes that a conflict of interest exists and is unreported is encouraged to inform the appropriate supervisor or vice-president, or designate, about the situation providing all pertinent details surrounding the alleged conflict.
 - c. Reporting situations that put KPU at risk: Each employee is expected to inform his/her immediate supervisor or the appropriate vice-president as early as possible of any situation which may create, or may be perceived as creating, the risk of a conflict of interest at KPU.
 - d. Report format: All reports should be made in writing as soon as possible after the employee becomes aware of the situation causing concern and should contain as much pertinent information as possible to facilitate investigation and remediation.
 - e. Optional reporting channels: Only if the regular channels prove ineffective or are inappropriate in the circumstances should employees or former employees make use of the special provisions of the Protected Disclosure Policy. Whatever channel is used for disclosure, the processes for impartial investigation and reporting outlined in this policy will apply to disclosures of conflict of interest.
 - f. Disposition of reports: Any supervisor who receives a report of actual, perceived or potential conflict of interest must inform his/her dean or director or the appropriate vice-president within five (5) working days.

3. UNIVERSITY RESPONSE TO SELF-REPORTED INSTANCES OF CONFLICT OF INTEREST, CURRENT OR POTENTIAL
 - a. When the University receives a report from an employee that an actual or potential conflict of interest has, or may have, arisen, the appropriate supervisor or vice-president, will consult with the affected employee and his/her immediate supervisor and ensure that sufficient pertinent details of the actual, perceived, or potential conflict are available.
 - b. If it is determined that a material conflict of interest exists, the supervisor or appropriate vice-president will determine the steps, if any, s/he considers appropriate to eliminate, reduce, remedy such conflict of interest, and/or remove the suspicion that a conflict exists.
 - c. Details of the conflict of interest situation and the steps taken to manage it must be recorded on the form provided in Appendix A and a signed copy retained by the employee, the supervisor or appropriate vice president, and placed in the employee's personnel file.

4. INVESTIGATION OF ACTUAL, PERCEIVED, OR POTENTIAL CONFLICT OF INTEREST
 - a. The University shall take all appropriate action to carefully and fully investigate reports of conflict of interest, actual, perceived, or potential, in an impartial and timely manner.
 - b. The appropriate supervisor or vice-president will report the plan for investigating the situation to the Associate Vice-president, Human Resources and the President, in writing within five (5) working days. The President will confirm its appropriateness and adequacy within five (5) working days.
 - c. The provisions of the Protected Disclosure Policy regarding protection of those who make a good faith report regarding any alleged misconduct, wrongdoing or irregularity, those who are investigated as the result of such a report, and the information collected in relation to the ensuing investigation of the report will be adhered to in all investigations of actual, perceived, or potential conflict of interest.
 - d. Any person named in a reported conflict of interest will be given an opportunity to respond to the report in writing.

5. REPORTING RESULTS OF INVESTIGATIONS
 - a. KPU expects that such investigations will be completed in twenty (20) working days, and a report with recommendations for appropriate steps to eliminate, reduce, remedy such conflict of interest, and/or remove the suspicion that a conflict exists, and/or disciplinary action provided to the Associate Vice-president, Human Resources within ten (10) working days.
 - b. Any actions arising from the investigation will normally be determined by the Associate Vice-president, Human Resources.
 - c. The President will adjudicate any review of a decision regarding the existence of a conflict of interest, or its remedy, or the disciplinary action recommended. Should circumstances make it inappropriate for the President to adjudicate, then the Finance and Audit Committee of the Board of Governors will make the determination.

- d. Details of the conflict of interest situation and the steps taken to manage it must be recorded on the form provided in Appendix A and a signed copy retained by the employee, the supervisor or appropriate vice president, and placed in the employee's personnel file.
- e. The person disclosing the conflict of interest will be informed of the results of the investigation. This is a confidential communication

6. ADDITIONAL PROCEDURES

- a. Any supervisor, manager, or other University official who does not respond appropriately to disclosures of conflict of interest, actual, perceived, or potential, will be subject to disciplinary action up to and including termination as appropriate.
- b. Any person who knowingly makes a bad faith report of a conflict of interest will be subject to disciplinary action up to and including termination as appropriate.
- c. KPU will not tolerate any reprisal, either direct or indirect, against anyone who, in good faith, discloses perceived conflict of interest, and the University will investigate and take all appropriate steps to address all allegations of reprisal.

7. POST-EMPLOYMENT RESTRICTIONS FOR SENIOR EXECUTIVES

- a. Should a senior executive member apply for a reduction of the one-year post-employment restriction, the President, or if the senior executive member is the President, the KPU Board of Governors will consider the following factors:
 - i. the circumstances under which the senior executive's employment ended;
 - ii. the senior executive's general employment prospects;
 - iii. the significance to KPU of information the senior executive possessed by virtue of the senior executive's position with KPU;
 - iv. the desirability of a rapid transfer of the senior executive's skills to an employer other than KPU;
 - v. the degree to which the new employer might gain unfair commercial advantage by hiring the senior executive;
 - vi. the authority and influence the senior executive possessed while employed by KPU; and
 - vii. the disposition of other cases.
- b. The decision on the application will be delivered in writing within ten (10) working days of receipt of the application.

C. RELATED POLICY

Refer to HR1 *Conflict of Interest Policy* for related policies, legislation, and other documents.

APPENDIX A:

Conflict of Interest Disclosure Form (fillable version of this form is available on the HR website [link](#))

The Conflict of Interest Disclosure form is completed in any situation where an employee and his/her immediate supervisor or appropriate vice-president reasonably thinks a material conflict of interest exists as described in the KPU Conflict of Interest Policy. In order to understand the disclosure requirements, employees must read the Conflict of Interest Policy prior to completing this form.

Before this form is completed, please discuss the situation which appears to put you in a conflict of interest or impede the due discharge of your duties with your immediate supervisor or the appropriate vice-president.

Employee Information

Employee Name:

Phone Number:

Department:

Position Title:

Conflict of Interest Information

To allow for proper consideration and instruction about next steps, please answer the following questions with specific details.

1. The Conflict of Interest Policy lists a number of circumstances which lead or can lead to an employee being in a conflict of interest. Which heading best describes this situation?
2. Describe the situation(s) causing concern:
3. State any additional information that either directly or indirectly affects the situation.
4. State the remedial action that will be taken to address the situation.

I have read and understood the KPU Conflict of Interest Policy. I declare that the information I have provided above is accurate and complete. I agree to take the remedial steps outlined in #4.

Employee Signature

Date

I have read and concur with the presentation of information above and have agreed to the remedial steps outlined in #4.

Supervisor/ Vice president Signature

Date

Filing Process

1. The employee and the supervisor or vice-president will each keep a signed copy of this form.
2. A third signed copy must be sent to the Associate Vice-president, Human Resources.

Thank you
Kwantlen Polytechnic University