



SUBJECT: Conflict of Interest	CATEGORY: Operations & Administrative Services – Human Resources	NO. O-2.2
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PREAMBLE

SIAS supports the right of employees to be involved in community projects and activities as citizens of the community. However, employees must bear in mind that SIAS is entrusted with the protection of public interest in many significant areas of the provincial education system. In light of the importance of this trust, it is essential that employees avoid situations that might result in actual or apparent conflicts of interest.

This policy is intended to assist employees in identifying potential areas of conflict, and provide a procedure by which conflicts are disclosed and managed. It is not intended to replace other SIAS policies or interfere with current collective agreements or legislation, including the rights and obligations specified therein.

This policy applies to all persons employed by SIAS and those students acting in an official capacity within the organization on SIAS committees and councils such as Program Council, Student Appeal Committees, etc. For the purposes of this policy, such students shall be considered to be included in any reference to employees contained herein.

POLICY

SIAS employees must conduct themselves with the highest ethical standards of honesty, integrity and impartiality, and are required to immediately disclose, and subsequently resolve, any actual or potential conflicts of interest resulting from activities in which they are engaged.

1.0 Recognizing Conflicts of Interest

1.1 A “Conflict of Interest” is a situation in which a SIAS employee, whether for himself/herself or some other person, attempts to promote a private or personal interest which results, or could appear to result in:

- (i) an interference with the objective exercise of SIAS duties; or
- (ii) a gain, benefit, or advantage of a financial or personal nature, or otherwise, by virtue of his/her position in SIAS.

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- 1.2 It is impossible to formulate an exhaustive list of circumstances that may give rise to a conflict of interest; each situation must be judged on its specific facts. The following are some examples that may constitute a conflict of interest:
- 1.2.1 operating an outside business whether as owner, employee, partner, officer or director in direct competition with SIAST services or on SIAST time, which may include telephone calls, use of SIAST facilities, grounds, resources, materials, equipment, mail service, etc.;
 - 1.2.2 using the name of SIAST, SIAST letterhead, and/or SIAST instructional materials when engaging in supplementary professional activities or other outside activities to advance or pursue personal business interests;
 - 1.2.3 securing outside employment that impairs the employee's performance, duty and workload capabilities at SIAST;
 - 1.2.4 divulging confidential or restricted information to any unauthorized person or releasing such information in advance of authorization for its release;
 - 1.2.5 acting in any official matter where there is a personal interest that is incompatible with an unbiased exercise of official judgment;
 - 1.2.6 placing oneself in a position where there is an obligation to a person or organization who might benefit from improper consideration or favour from the employee, or seek in any way to gain improper treatment from the employee in the discharge of the employee's official duties and responsibilities;
 - 1.2.7 being party to a material contract or proposed material contract with SIAST, or being a director/officer of, or having a material interest in, any person who is a party to a material contract or proposed material contract with SIAST;
 - 1.2.8 acting on a board, council, association or any other organization that has a material influence, or might reasonably be expected to have a material influence, on any educational, accreditation or other function of SIAST;
 - 1.2.9 placing oneself in a position where working relationships are affected by personal or family relationships, specifically, without limitation:
 - 1.2.10 Employees who are direct relatives or who share the same household shall not be employed in situations where:
 - i) a reporting relationship exists where the superior has influence, input, or decision-making power over an employee's performance evaluation, salary, premiums, special permissions, potential for promotion, conditions of work, and similar matters; or
 - ii) the relationship affords an opportunity for collusion between the two employees that would have a detrimental effect on SIAST.

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1.3 Due to the range and complexity of SIAST activities, these provisions cannot be exhaustive. However; there are four major principles that will assist in the administration of these provisions for topics not specifically covered in policy items 1.2.1 to 1.2.9 and elsewhere in this policy, as follows:

FIRST. Openness and full disclosure are paramount. Even the appearance of a conflict of interest is to be avoided. SIAST employees are required to discuss with their out-of-scope manager any actions that have the potential to give rise to a conflict of interest. When private interests are freely and frankly declared, the possibility of conflict is lessened.

SECOND. Employees should enjoy the same rights in their private dealings as any other individual, unless it can be demonstrated that a restriction is in SIAST's best interests.

THIRD. SIAST does not pay for the same service twice. Employees shall not accept monetary or other payment, in addition to normal salary or expenses, for duties that they perform in the course of their employment with SIAST.

FOURTH. SIAST is required to deal with any potential conflict of interest situation discovered even if it is not disclosed.

2.0 Duties of Employees

2.1 It is the responsibility of every employee to seek the guidance of his or her out-of-scope manager before engaging in any activity from which a conflict of interest may arise.

2.2 If a supervisor or other employee is aware of an existing, or potential, unreported conflict of interest situation, it is his or her responsibility to bring the matter to the attention of the affected employee and the appropriate, immediate out-of-scope manager.

2.3 Disclosure of a potential or existing conflict must be made in writing to the appropriate out-of-scope manager. Except as required by judicial process or law, any information disclosed by the employee shall be held in strict confidence and available only to those responsible for review of such matters.

2.4 Employees are to disqualify themselves as participants in personnel decisions when their objectivity would be compromised for any reason. For example, and without limitation, employees shall not participate in staffing actions involving direct relatives, persons married to direct relatives or persons living in the same household.

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3.0 Outside Employment

- 3.1 Employees will devote their best efforts to SIAST during the normal work week and will avoid any other commitments that will interfere with this duty.
- 3.2 Subject to policy item 3.5, employees may be employed outside of SIAST provided that such employment does not:
 - 3.2.1 cause an actual or apparent conflict of interest;
 - 3.2.2 interfere with regular duties; or
 - 3.2.3 involve the unauthorized use of SIAST premises, equipment, materials or supplies.
- 3.3 In the event that it is perceived that a potential or actual conflict of interest exists, employees shall immediately discuss the matter with his or her out-of-scope manager.
- 3.4 Where infringement upon normal duties is unavoidable, the out-of-scope manager may require that all or part of the fee received be paid to SIAST.
- 3.5 Employees shall not accept outside employment in a position having essentially the same duties as their position with SIAST, unless this is covered by an agreement between SIAST and the external agency.

4.0 Employee Interest in Companies Engaged in Business with SIAST

- 4.1 Employees shall avoid placing themselves in circumstances of potential conflict of interest connected with the sale of goods, merchandise or services to SIAST by:
 - 4.1.1 a private company in which they have an interest as a stakeholder, member, shareholder or director/officer;
 - 4.1.2 a public company in which they are a controlling shareholder or director/officer;
 - 4.1.3 a partnership or proprietorship in which they have an interest; or
 - 4.1.4 a member of their immediate family (spouses and economic dependents).
- 4.2 In the case of transactions where some doubt exists as to whether an employee may be in conflict of interest, the employee shall disclose to his or her out-of-scope manager, in advance, the connection with that company, firm, partnership or other entity.

5.0 Acceptance of Gifts

- 5.1 An employee shall not accept a gift, favour or service from any individual, organization or corporation doing business with SIAST, other than as follows:
 - 5.1.1 normal exchange of gifts between friends;
 - 5.1.2 normal exchange of gifts of hospitality between persons doing business together;

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- 5.1.3 exchange of gifts as part of protocol; or
- 5.1.4 presentation of gifts to persons participating in public functions.

6.0 Waiver of Policy by President and CEO

- 6.1 This policy may be waived in whole or in part provided that the president and CEO:
 - 6.1.1 upon review, finds it essential to do so in order to meet operational needs; and
 - 6.1.2 is satisfied that sufficient safeguards are in place to ensure that SIAST's interests are not compromised.

PROCEDURES

1.0 Disclosure

In accordance with policy item 3.0 of this policy, employees must disclose any potential or existing conflicts of interest. The procedure for such disclosure is as follows:

- 1.1 Upon becoming aware of a potential or existing conflict of interest, an employee shall report the conflict to the appropriate out-of-scope manager.
- 1.2 Disclosure pursuant to procedures item 1.1 shall be made in writing.
- 1.3 The out-of-scope manager shall make a record of the disclosure, and shall store the file in the Human Resources Office.
- 1.4 All information collected pursuant to investigation of the matter, and all files created pursuant to this section, shall remain confidential unless determined otherwise by judicial process or operation of law.

2.0 Resolution

- 2.1 Upon receipt of disclosure pursuant to procedures item 1.0, the out-of-scope manager responsible for the employee shall review the situation and, in consultation with the employee, attempt to determine whether or not a conflict of interest actually exists. The out-of-scope manager shall review the disclosure and gather necessary information. The out-of-scope manager shall also conduct a consultation meeting with the employee who disclosed the potential conflict, and/or the employee for whom disclosure has been made, as the case may be. At the employee's option, the employee may invite a representative of the employee's union to attend the consultation. An attempt shall be made for the out of scope manager and the employee to mutually agree on a resolution.
- 2.2 If mutual agreement cannot be reached, the matter shall be referred to the next level of management pursuant to SIAST Policy G-3.1, Management Authorities

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Grid, and this senior manager shall make a ruling on the matter, provide the employee with his or her decision, and prescribe a course of action. In the event that the President is the out-of-scope manager who receives and reviews the disclosure under procedures item 2.1, the President shall also be the senior manager that makes the ruling and prescribes the course of action.

2.3 This policy may be waived in whole or in part by the president and CEO as noted in policy item 6.0.

3.0 Appeals

3.1 If the employee is dissatisfied with the ruling of the senior manager pursuant to procedures item 2.2 then:

3.1.1 if the employee is an in-scope employee, he or she may file a grievance pursuant to his or her applicable collective agreement;

3.1.2 if the employee is an out-of-scope employee, he or she may appeal in writing to the president of SIAST, unless the president made the ruling, in which case there is no further appeal.

3.2 Subject to any applicable law, the decisions rendered pursuant to procedures item 3.1 shall be final decisions.

3.3 This policy does not permit an employee to act contrary to the ruling of the senior manager while the ruling is under appeal.

4.0 Discipline

Failure to follow the policy and procedure as outlined herein may result in disciplinary action being taken against the employee, up to and including dismissal.

4.1 In deciding the appropriate level of disciplinary action to take, consideration will be given to all relevant matters, including, without limitation:

4.1.1 the seriousness of the conflict in question;

4.1.2 whether or not the act in question is an isolated incident or part of repeated acts or omissions; and

4.1.3 any other mitigating or aggravating factors.

4.2 In instances where an employee is disciplined by virtue of departure from these provisions or because of misconduct relating to conflict of interest, the disciplinary action taken may be subject to the grievance procedure outlined in the employee's collective agreement (if an in-scope employee) or by review of the president (if an out-of-scope employee).

4.3 Students in violation of this policy will be subject to disciplinary action as outlined in the Student Conduct policy #A-2.5.

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