

Policy History
Policy No. HR1
Approving Jurisdiction: President
Administrative Responsibility: Vice President Human Resources
Effective Date: July 13, 2022

Conflict of Interest Policy

A. CONTEXT AND PURPOSE

1. All KPU employees are expected to act with integrity in the University's best interests, supporting the University's mission, values, and goals, and avoiding circumstances that may place their own interests in conflict with KPU's.
2. Conflicts of interest threaten to damage the reputation of, or cause harm to, the persons involved and potentially undermine public confidence and trust in the University as a whole. The University and its employees shall take all reasonable steps to ensure that conflicts of interest do not arise.
3. Conflict of interest exists in the following, or similar, circumstances:
 - a. where the activities of a KPU employee have the intention or effect of advancing their 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 the University; and/or
 - b. in any situation when a KPU employee has 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 their duties to KPU; and/or
 - c. where outside interests and activities, whether financially compensated or not, are incompatible with the committed, efficient, and effective discharge of the employee's responsibilities to the University and put the employee into conflict with their role as a University employee.
4. This policy is designed to allow such situations to be identified, disclosed, and resolved in a timely and appropriate manner.

B. SCOPE AND LIMITS

1. This Policy applies to all KPU employees including those hired on casual service and other contracts. Behaviour expected of members of the Board of Governors with regard to conflict of interest is addressed in the *Standards of Ethical Conduct for Directors of Public Sector Organizations*.

C. STATEMENT OF POLICY PRINCIPLES

1. Employee Responsibilities

- a. The principles underlying conflict of interest rules are impartiality and integrity; a KPU employee cannot be perceived as being impartial and acting with integrity if they, or a related party, derives any personal advantage from their action or decision, or when their outside activities are incompatible with their obligations to KPU. Primary responsibility for avoiding conflict of interest rests with individual employees.
- b. Some conflicts of interest can be managed while others cannot. Any employee in doubt about whether a situation constitutes a conflict of interest under this policy and/or how it could be remedied and/or appropriately managed is encouraged to seek advice from Human Resources.
- c. This policy requires an employee to notify their immediate supervisor or the appropriate vice-president as early as possible of any situation which may put, or may be perceived as putting, themselves in a conflict of interest along with any recommendations to avoid or minimize the conflict of interest or remove the perception that a conflict exists. If the conflict of interest situation is deemed to be material, then a record of the conflict of interest situation and the remedial action taken must be signed and retained by the employee and be included in the employee's personnel file. (See Procedures, Appendix A).
- d. KPU encourages employees who believe that a conflict of interest exists and has gone unreported to report the situation causing concern to the appropriate supervisor or vice-president, or designate, as quickly as possible.

2. Circumstances Leading to Conflict of Interest

Following are examples of circumstances in which a KPU employee would be deemed to have a conflict of interest; this list does not include all possible occasions of conflict of interest.

- a. **Personal Financial Interests:** influencing any transaction or operating procedure of the University for personal advantage (e.g., selecting products and services for the University); and/or allowing a personal or business relationship to influence the employee's work, work

situation, or status to the advantage or disadvantage of any of the persons involved in such relationship; and/or not disclosing when an employee, or related party, has a direct or indirect financial interest in a proposed contract or transaction with the University or is affiliated directly or indirectly with an entity which seeks to contract, transact or otherwise do business with the University; and/or giving preferential treatment to friends, related parties, or to organizations in which the employee or a related party or friends have an interest, financial or otherwise; and/or favouring outside business or professional interests for personal advantage.

- b. Relationships with other employees:** participating in the selection, appointment, employment supervision or evaluation of a person with whom the employee has a personal relationship or which may result in the employee's personal advantage or which may compromise the integrity or objectivity of the decision-making body. This includes romantic or sexual relationships that currently exist, or took place within the past, between an employee and an individual in a position of authority (e.g. a staff or faculty member or administrator and their supervisor).
- c. Relationships with students:** allowing, or appearing to allow, the KPU employee's responsibility to advise, influence, instruct, and evaluate students in a fair, unbiased, and effective manner to be impeded or compromised by a personal consideration of any kind; participating in or influencing admissions decisions concerning a person with whom the employee has a personal relationship or which may result in the employee's personal advantage; and/or using the inherent power imbalance that exists between a KPU employee and a student for personal advantage. This includes romantic or sexual relationships that currently exist, or took place within the past, between a student and an individual in a position of authority (e.g. an individual who grades, supervises, or influences a student's academic progress or collaborates with that student academically).
- d. Research and community projects:** allowing personal considerations to compromise, or appear to compromise, the employee's professional judgment in administering, conducting or reporting on research, and/or working with community groups and projects, and/or teaching, and/or carrying out administrative activities related to research or community projects.
- e. Use of private and proprietary University information:** using information, publications, documents, or records pertaining to the business or affairs of the University not in the public domain acquired by virtue of status as a KPU employee for personal advantage or for any purpose unrelated to the business of the University, without first obtaining the University's written authorization.
- f. Use of University property:** using, or allowing the use of, University property, facilities, supplies, and services for personal advantage or for any purpose other than University business without first obtaining the University's written authorization.
- g. Use of position as KPU employee:** influencing other parties for the employee's, or a related party's, personal advantage of any kind; and/or using the employee's University position to

create an inappropriate advantage for a related party; and/or influencing students or subordinates to use business or professional services and/or participate in research or community projects that result in the employee's personal advantage; and/or explicitly or implicitly allowing the perception that the employee's activities or statements have been authorized by the University or reflect KPU's positions or policy when this is not the case.

h. Gifts, favours, and other complimentary items: demanding or accepting, either directly or indirectly, gifts, favours, services or other complimentary items from any individual, organization or corporation that would not have been offered if not for the employee's position at KPU, or where receiving the complimentary item could reasonably be seen as compromising the employee's objectivity, other than:

- i. the normal exchange of hospitality between persons doing business together; and/or
- ii. token exchanges as part of protocol; and/or
- iii. the normal presentation of gifts to persons participating in public functions; and/or
- iv. the normal exchange of gifts or hospitality between friends.

Before accepting any gift, favour, service or other complimentary item that has a value of greater than \$200, an employee must seek authorization from their supervisor or the appropriate vice-president. In normal circumstances such gifts will become the property of the University. Gifts of cash, negotiable securities, personal loans, airline tickets or use of a vacation property, or multiple gifts from the same source over a short period of time may not be accepted.

i. Other circumstances: any situation where a KPU employee is, or appears to be, under an obligation to a person who might benefit or seek to gain special consideration; and/or taking payment, in cash or in kind, from an outside source for work that is part of a KPU employee's regular duties and responsibilities.

3. Consensual Romantic or Sexual Relationship Guidelines

- a. The University is committed to cultivating and maintaining a safe and respectful work environment for its students, faculty and staff employees. Recognizing that consensual romantic or sexual relationships may lead to significant problems, including allegations of sexual harassment, conflict of interest, or lack of consent, the University sets out the following expectations for the members of its community:
 - i. Administrators and staff employees are prohibited from entering into or continuing consensual romantic or sexual relationships with those employees for whom they are directly responsible for supervising or evaluating ("subordinates").
 - ii. Faculty members are prohibited from entering into, continuing, or initiating romantic or sexual relationships with any student where the member has:
 - 1) academic authority over the student;
 - 2) influence over the student's academic progress; or

- 3) collaborated academically with the student.
- b. Breaches of the prohibition set by section 3.a.ii shall be subject to a disciplinary sanction of at least suspension without pay, unless the facts warrant a less severe penalty.
- c. If a consensual romantic or sexual relationship between an administrator or staff employee and their “subordinate”, or a faculty member and a former student, cannot be avoided, any existing past or present relationship must be disclosed to the appropriate supervisor or vice-president as per the Conflict of Interest Procedure.

4. Outside Activities

- a. Kwantlen Polytechnic University encourages its employees to engage in professional, technical and other activities to enhance their professional growth and to participate in community service; employees are free to engage in political, professional, and other interest groups and charitable activities. The University recognizes that employees may also have alternate employment, participate in businesses, or receive financial remuneration for activities outside of their employment at Kwantlen Polytechnic University.
- b. Recognizing the benefits that can result, KPU generally supports such outside activities and interests provided that the activity does not impede the efficient and/or independent performance of the employee’s University duties: for example,
 - i. a KPU employee’s professional obligations to students, colleagues, and to the University must be fully discharged; and/or,
 - ii. the activity must not conflict with regular KPU operations; and/or,
 - iii. the activity must not represent an actual or perceived conflict of interest; and/or,
 - iv. the activity is not performed in such a way as to appear to be an official act of the University, or imply University support for the outside organization or its initiatives; and/or,
 - v. the activity must not negatively impact upon the University’s reputation or bring KPU into disrepute; and/or
 - vi. the activity must not impose a financial or other burden on the University; and/or,
 - vii. the activity is not, or does not create the perception of being, in direct competition with KPU activities.
- c. This policy requires that employees notify their immediate supervisor or appropriate vice-president as quickly as possible where that employee is [simultaneously employed with another institution or organization](#), or involved in any outside activities, and where that employment or outside activity may potentially compromise or diminish the employee's ability to fulfill their employment obligations to the University as outlined above.

5. University Responsibilities

- a. Conflict of interest situations, actual, perceived, or potential, shall be dealt with in a fair,

impartial, and timely manner with due consideration for the protection and confidentiality of the employee involved and those of any person bringing the alleged conflict of interest situation to the attention of the University.

- b. After receiving a report from an employee, or determining on its own initiative, that an actual or potential conflict of interest has arisen, or may arise, the University will consult with the affected employee and their supervisor to address the situation as quickly as possible. Appropriate steps to eliminate, reduce, or remedy such conflict of interest, and/or remove the suspicion that a conflict exists will be determined by the supervisor or the Vice-President, Human Resources. Details of the conflict of interest situation and the steps taken to manage it will be recorded by the employee and their supervisor or appropriate KPU vice-president (See Procedures, Appendix A).
- c. In instances where the University determines that an employee is currently or potentially engaged in outside activities that prevent or would prevent or impede the due discharge of the employee's responsibilities to the University, University approval for continued involvement must be obtained or an unpaid leave or an appropriate reduction in responsibilities and compensation must be arranged. Details of the situation impeding the due discharge of the employee's responsibilities and the steps taken to manage it will be recorded by the employee and their supervisor or appropriate KPU vice-president (See Procedures, Appendix A).
- d. Where the University determines that an employee has concealed, or has unreasonably failed to disclose or remedy, a conflict of interest, the University may take disciplinary action up to and including termination as appropriate.
- e. The University President, or their designate, will arbitrate any review of a decision regarding the existence of a conflict of interest, or its remedy.

6. Post-Employment Restrictions for Senior Executives

- a. The following condition of employment applies to KPU's President and Vice-presidents. If any of these senior executives of KPU has had a substantial involvement in dealings with a person or an outside entity, other than a public sector employer as defined in Section 1 of the *Public Sector Employers Act*, on behalf of KPU at any time during the year immediately preceding the end of the senior executive member's employment with KPU, then for one year after the end of the senior executive's employment, they must not:
 - i. Accept an offer of employment with, or an appointment to the board of directors of, or a contract to provide services to that person or outside entity; or
 - ii. Provide consulting or other services to that person or outside entity in connection with its dealings with KPU.
- b. The President, or the Board of Governors if the senior executive member is the President,

may upon application, reduce the senior executive member's one year restriction after considering pertinent factors. Should the President reduce the one-year post-employment restriction for a vice-president, the President will report the reduction to the Board of Governors at the next regularly scheduled meeting.

D. DEFINITIONS

Refer to Section A in HR1 *Conflict of Interest Procedures* for a list of definitions in support of this Policy.

E. RELATED POLICIES & LEGISLATION

BP5 Use of University Property

Policy HR24 Protected Disclosure

Policy IM4 Confidentiality Policy

RS2 Integrity in Research and Scholarship

SR14 Sexual Violence and Misconduct

KFA – KPU Collective Agreement, 2012 – 2014, Section 18.07

Employee Code of Conduct

Standards of Ethical Conduct for Directors of Public Sector Organizations

F. RELATED PROCEDURES

Refer to HR1 *Conflict of Interest Policy Procedure*