



## POLICY ON CONFLICT OF INTEREST

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**Effective Date:** March 11, 2020

**Approval Authority:** Board of Governors

**Supersedes/Amends:** June 21, 2016

**Policy Number:** BD-4

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### SCOPE

This Policy and its related [Consensual Romantic or Sexual Relationships Guidelines](#) (the "Guidelines") shall apply to all Employees (as defined below) of Concordia University (the "University"). In addition to this Policy, Employees are also guided by a number of other codes and policies which set forth standards of good conduct, including, but not limited to, the *Policy on Conflict of Interest in Research* ([VPRGS-5](#)), the *Policy for the Responsible Conduct of Research* ([VPRGS-12](#)) as well as existing [collective or employment agreements](#) and professional codes of ethics for specific professions.

Any report of a Conflict of Interest (as defined below) under this Policy must be made in good faith and shall not be made solely to complain about one's condition of employment or to question the merits of the policies, programs and/or objectives of the University.

Nothing in this Policy shall replace or supersede any complaint, grievance or appeal procedure set out in any [collective or employment agreement](#) to which the University is a party.

### PURPOSE

Conflicts of Interest can arise naturally from an Employee's personal relationships and/or engagement inside and outside the University, and the mere existence of a Conflict of Interest does not necessarily imply wrongdoing on anyone's part. That being said, Conflicts of Interest and situations that give rise to perceptions of a Conflict of Interest must be recognized, disclosed and assessed.

The purpose of this Policy and its related Guidelines is to establish the rules of conduct respecting Conflicts of Interest applicable to Employees of the University.

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### DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

“Conflict of Interest” means a situation in which an Employee, or their Related Party(ies), has a personal interest that conflicts or could conflict with the Employee’s obligations to the University. The existence of a Conflict of Interest involves two elements:

- a) the Employee’s or a Related Party’s personal interest(s); and
- b) the Employee’s obligations to the University.

Personal interests may include business, commercial or financial interests, as well as relationships, private and career interests. An Employee’s obligation to the University is to act in the University’s best interests, which includes acting in support of the University’s integrity and mission and avoiding circumstances that may undermine confidence and trust of the public, as well as the confidence and trust necessary between the University and its Employees.

Conflicts of Interest may be actual or potential. An actual Conflict of Interest is a situation where the personal interest actually conflicts with the Employee’s obligations to the University. A potential Conflict of Interest is a situation where the personal interest has not yet conflicted with the Employee’s obligations to the University but might be expected to.

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 and impartial person, a perception of a Conflict of Interest. This is sometimes referred to as an “apparent” Conflict of Interest.

“Employee” means any full-time, part-time or temporary employee of the University, including staff, faculty, postdoctoral fellows, researchers, members of the administration, stagiaires and interns; any individual engaged by the University on a consulting basis or in virtue of any other contractual agreement; and appointees (including volunteers) of the University.

“Immediate Relative” means a spouse, child, parent, sibling or person with whom an Employee has a personal/close relationship that is of primary importance in their life.

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“Recipient” means any one of: the Secretary-General, the President or the Chair of the Governance and Ethics Committee to whom the Conflict of Interest is being disclosed.

“Related Party” means an Employee’s Immediate Relative (as defined above), or other person living in the same household, or any other person with whom the Employee shares a financial interest, either directly or indirectly, or any entity in which the Employee has an ownership interest.

“Student” means any person registered in a course or program on a full or part-time basis, for credit or not, and includes undergraduate and graduate students, independent students as well as visiting students, exchange students and interns.

### POLICY

#### Standard of Conduct

1. An Employee shall conduct themselves in an ethical and professional manner. They shall honour the principles of collegiality and fairness, and comply with their duties and obligations with objectivity, care, integrity, loyalty, prudence and diligence to facilitate and foster the accomplishment of the University’s mission.

#### Situations of Conflicts of Interest

2. An Employee shall comply with their duties and obligations, and act in such a manner as to avoid any Conflict of Interest. The best interests of the University shall always prevail when an Employee is in a situation of Conflict of Interest or when the personal interest of a Related Party places an Employee in a situation of Conflict of Interest. The following, without limitation, are examples of Conflicts of Interest.
  - a) when an Employee or a Related Party, whether directly or indirectly, has a personal interest in a contract or a proposed contract to be entered into by the University or a University-related body, or obtains, or is likely to obtain, a personal advantage or benefit as a result of a decision made by the University or a University-related body;

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- b) when an Employee accepts gifts, gratuities or favours from a person, body, enterprise or association engaged in or wishing to engage in transactions with the University, except in the case of minor or customary gifts, gratuities or favours of a trivial or nominal value that do not place and do not have the appearance of placing the recipient under any obligation and/or do not give the impression that there is a purpose or attempt to influence any decision;
- c) when an Employee uses their position to help a person or body, enterprise or association in dealings with the University in a situation which gives rise to real or perceived preferential treatment from the perspective of a reasonably well informed and impartial person;
- d) when an Employee is engaged in or begins a romantic or sexual relationship with a Student when they are or may reasonably be expected to become responsible for teaching, advising, allocating resources or supervising the Student or, more generally, is or may reasonably be expected to be in a position to exercise authority over the Student;
- e) when an Employee uses information obtained in the performance of their duties and responsibilities as an Employee which is not generally communicated to the public for their own advantage or benefit, or for the advantage or benefit of a Related Party;
- f) when an Employee uses or allows to be used, directly or indirectly, the University's goods or services for activities other than those approved by the University for their own advantage or benefit, or for the advantage or benefit of a Related Party.

### Supervision of Immediate Relatives

- 3. An Employee shall not hire nor supervise an Immediate Relative unless:
  - a) specific provisions of a collective agreement apply; or
  - b) it is specifically authorized, under exceptional circumstances, by the Associate Vice-President, Human Resources following consultation with the relevant

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stakeholders. The authorization shall be in writing and shall be placed in the Employees' personnel file.

4. For any exception mentioned in section 3, an acknowledgement of the Conflict of Interest shall be completed by the Immediate Relative and the current Employee and shall be placed in the Employees' personnel file. It shall state their commitment to act with the highest degree of integrity, objectivity and professionalism, and shall outline the mechanism or measures that will be utilized to mitigate the Conflict of Interest, with particular reference to recommendations for evaluation, renewal, promotion, the handling of grievances and complaints, and termination.
5. Notwithstanding the above, employment situations that contravene section 3, but that were in existence prior to June 23, 2011 (the initial effective date of this Policy) are excluded from the application of section 3.

### Disclosure and Management of Conflicts of Interest

6. All employees referred to in Appendix A must complete and submit a Conflict of Interest Disclosure Form within 30 days of joining the University and periodically, as set out in Appendix A, and/or whenever there is a significant change in appointment or circumstances.
7. Unless sections 10 and 11 apply, an Employee shall immediately disclose to their immediate supervisor any Conflict of Interest they have or believe they may have. When in doubt about a particular situation, they shall discuss it with their immediate supervisor prior to engaging in the activity in question. The Employee and the immediate supervisor may also seek guidance from the General Counsel, who shall serve as a resource to help them identify a Conflict of Interest and shall provide, if requested, information regarding the application of this Policy.
8. Unless sections 10 and 11 apply, the immediate supervisor, in consultation with the Employee, shall decide on the course of action to avoid or monitor the Conflict of Interest, and the Employee shall agree in writing. A copy of the course of action agreed upon shall be placed in the Employee's personnel file and shall be forwarded to the Secretary-General and the relevant Vice-President.

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9. In the event that the Employee does not agree with the course of action set out by the immediate supervisor, the Employee may contact the Secretary-General for resolution. In such cases, the Secretary-General shall consult with the relevant Vice-President and any individual (including the relevant union or association representatives, if appropriate) that they deem appropriate.
10. An Employee wishing to disclose a Conflict of Interest pursuant to the Guidelines shall do so by contacting the relevant Dean, the University Librarian, the Executive Director of the Center for Continuing Education or the relevant Vice-President.
11. In the case of a disclosure pursuant to the Guidelines, the course of action to be taken shall be identified by the relevant authority as set out in section 10.

### Mechanism for Reporting Conflicts of Interest

12. Unless section 13 applies, any Employee who becomes aware of any Conflict of Interest or other behaviour in contravention of this Policy by any other Employee may report the matter to their immediate supervisor or unit head, as applicable, either in writing with the mention “*Strictly confidential – To be opened by addressee only*” or verbally.
13. Any report of Conflict of Interest made in good faith under this Policy against:
  - a) an immediate supervisor or unit head shall be made to the Secretary-General or to the President;
  - b) a Dean shall be made directly to the Secretary-General, who shall refer the matter to the relevant Vice-President;
  - c) a Vice-President shall be made directly to the President; or
  - d) the President shall be made directly to the Chair of the Governance and Ethics Committee.

The Employee may report the matter either in writing with the mention “*Strictly confidential – To be opened by addressee only*” or by leaving a voice mail message with their

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name and contact information in the appropriate private voice mail, as set out in the [Conflict of Interest Disclosure Phone Line Information Page](#).

14. The Recipient may, at their discretion, request a detailed written description of the conduct, dates, places, persons involved/witnesses, other individuals who have knowledge of the Conflict of Interest, relevant documentation, etc. so that a reasonable inquiry into the report of the Conflict of Interest can be conducted.
15. An inquiry into the report of the Conflict of Interest shall be conducted by the Secretary-General, the President, the Chair of the Governance and Ethics Committee or a person or entity designated by one of them.
16. The inquiry shall be conducted with due regard to the sensitivity of the information, and the Recipient shall use reasonable efforts to protect the privacy of the Employee who has made the report and the confidentiality of the inquiry, to the extent consistent with a fair inquiry and subject to disclosure requirements in the context of legal or administrative proceedings.
17. In the event that any information or report is provided anonymously or without foundation, the University may, at its discretion, not act upon it.
18. If the information or report pertains to a matter that is pending or being adjudicated in an internal or external process, the Recipient may suspend the inquiry until the final resolution or end of such internal or external processes.
19. Information about how the report of Conflict of Interest is managed is confidential and shall not be disclosed to anyone unless required by law or University policies or unless, in the opinion of the Secretary-General, it is appropriate to share it with those who have a legitimate need for the information.
20. Provided they acted in good faith, an Employee who reports a Conflict of Interest under this Policy shall not be subject to retaliation or discrimination or any threat thereof. This protection shall also extend to anyone providing information in connection with the report.

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### Non-compliance

21. The failure of an Employee to comply with the provisions of this Policy may constitute a disciplinary offence under the relevant provision, contract, or [collective or employment agreement](#).

### Policy Responsibility and Review

22. The overall responsibility for the implementation and recommended amendments to this Policy shall rest with the Secretary-General.

Approved by the Board of Governors on June 23, 2011 and amended on June 21, 2016 and March 11, 2020.



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### APPENDIX A

List of employees who must complete and submit a  
Conflict of Interest Disclosure Form

<b>Employees</b>	<b>Periodicity</b>
President	Annually
Vice-Presidents, Secretary-General and Chief Officers appointed by the Board of Governors	Annually