

Conflict of Interest FAQs

These are hypothetical examples of “conflict of interest” offered to employees at the University to illustrate possible situations at a University in an effort to support prudent decision making on the part of employees in determining whether a real or perceived conflict of interest exists.

When assessing *conflicts of interests* it is important to keep in mind that a perception of conflict is to be avoided as well as an actual conflict.

FAQ Questions:

1. Is it a conflict of interest for an employee to hire or have direct supervision over a Related Person (i.e., a family member, a person with whom the employee shares a financial or personal interest, or a person with whom the employee has had or currently has a romantic or sexual relationship)?

Response: *Yes. It would be a conflict of interest for an employee to be involved in any decision related to the hiring or supervision of a Related Person, as defined above. Supervision is defined as having the authority to award or directly influence matters such as salary increases (or denials), promotions, discipline, formal evaluation/assessment, etc., or any other action which could have a positive or negative impact on an individual’s work or career.*

2. Is it a conflict of interest for a faculty member, contract instructor, teaching assistant or lab instructor to have a family member as a student in their class?

Response: *Yes. It would be a conflict of interest for an employee to teach a family member as they would have decision-making authority in relation to their family member (e.g. assignment marks, final grades).*

3. Is it a conflict of interest for a faculty member, contract instructor, teaching assistant or lab instructor, to engage in an intimate personal relationship with a student in their class or under their supervision?

Response: *Yes. A faculty member or other University employee who has decision-making authority in relation to a student (e.g. assignment marks, final grades) will be in a conflict of interest if they become involved in an intimate personal relationship with that student. It should also be noted that due to the power imbalance between faculty members/instructors and students, intimate personal relationships may constitute sexual harassment under the Manitoba Human Rights Code and the University’s Respectful Working and Learning Environment Policy, where one of the individuals exercised authority over the other.*

4. Does it make a difference if the student is a graduate student?

Response: *No. The nature of interaction between graduate students and faculty members differs from that of undergraduate students, however a faculty supervisor has significant decision making authority in relation to graduate students and as such an intimate personal relationship represents a conflict.*

5. Is it a conflict of interest for a faculty member to engage in an intimate personal relationship with a student of the University who is not in their class or under their direct supervision?

Response: *This will depend on the particular circumstances. By virtue of the nature of their role in the University, faculty members will almost always be in a conflict of interest or perceived to be in a conflict of interest if they engage in an intimate personal relationship with a student of the University even if the student is not in their class or under their direct supervision. Faculty members should immediately report the circumstances and the nature of their interest or involvement to their immediate Supervisor so that a determination may be made as to whether a conflict of interest exists and appropriate measures may be implemented, if necessary.*

6. Is it a conflict of interest for a University employee to accept financial, travel or other gifts or discounts such as Box seats for Sports games (i.e. Jets/Bombers/Goldeyes), tickets to UofW fundraising events (i.e. Duff Roblin Dinner, etc...), golf games, or other items/gifts from vendors or potential suppliers who stand to benefit from the employee's decisions?

Response: *The appropriateness of these likely relates to the value of the item and the authority of the person receiving them. Accepting financial, travel or other costly gifts from vendors who stand to benefit from an employee's decisions can be considered a conflict of interest – either real or perceived. The University is a Public Sector entity and is held to a high standard on the stewardship of its resources. Staff and Faculty must ensure that the objectivity of their decisions is not compromised, in fact or in appearance, by the acceptance of gifts, gratuities or hospitalities of any kind. Generally speaking, University Faculty and staff should not accept gifts, discounts or personal service in excess of \$100 from suppliers to the University.*

When there is an active RFP or tender, it would be considered a conflict to accept any gift from a vendor or potential supplier who could be responding to the RFP.

7. Is it a conflict of interest for a University employee to accept an invitation to sit at a table that a supplier has purchased for a University fundraising dinner?

Response: *Tickets for fundraising dinners usually result in a tax receipt to the purchaser and are intended to support the University. Generally it would not be considered a conflict to accept an invitation to sit at a table for a University fundraising dinner.*

8. Is it a conflict of interest for University employees to consider a supplier's donation to the University when awarding contracts?

Response: *Yes. The University's Purchasing Policy and related procedures lay out expectations for due diligence in making purchases; the procedures explicitly prevent donations from suppliers from being considered as a basis for awarding purchases or contracts.*

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9. Is it a conflict of interest if a Related Person is selling a product or service and the employee connects that person with the Purchasing Department of the University?

Response: *It depends; connecting a potential supplier to the Purchasing Department does not represent a conflict, however if the employee is in a position to make and/or influence the decision being made, this would normally be considered a conflict of interest.*

10. Is it a conflict of interest if an individual or a group of employees have an interest in a property and/or investment that the University is considering investing in?

Response: *Yes, if the employee or group of employees are in a position to make and/or influence the decision being made.*

11. Is it a conflict of interest when an employee is in a position to make a decision that affects their own business, commercial or financial interests?

Response: *Yes, this is a clear conflict of interest. Employees have an obligation to make decisions in the best interests of the University and should not participate in decisions where their own personal interests conflict or could appear to conflict with those of the University.*

12. Is it a conflict of interest when an employee uses confidential organizational information to their own advantage?

Response: *Yes, confidential organization information should never be used to an individual's own personal gain or advantage. This is a clear conflict of interest between one's personal interests and their obligations as an employee to the University.*

13. What should an employee do if they have a conflict of interest with the University?

Response: *Employees should immediately report the circumstances and the nature of their interest or involvement to their immediate Supervisor so that measures may be implemented to address the conflict.*

14. What should an employee do if they are not sure whether a conflict of interest exists?

Response: *Employees should immediately report potential conflicts of interest to their immediate Supervisor so that a determination may be made as to whether a conflict of interest exists and appropriate measures may be implemented, if necessary. If any additional guidance is required or the potential conflict might include the supervisor the issue should be raised (by the employee or their supervisor) with the Vice-President Finance and Administration for further guidance.*