



# THE UNIVERSITY OF WINNIPEG

**POLICY TITLE:** Conflict of Interest Policy

**EFFECTIVE DATE:** June 19, 2017

**APPROVAL BODY:** Board of Regents

## **POLICY PURPOSE**

This Policy is intended to ensure a high standard of professional integrity, ethics and impartiality to maintain the public trust in the University and to protect the integrity for all working and associated with the University.

## **LEGAL AUTHORITY**

Not Applicable

## **APPLICABILITY**

This Policy applies to all University employees.

## **RESPONSIBILITY**

The Vice-President Finance and Administration, on behalf of The Board of Regents of the University, is responsible for the development, administration and review of this Policy.

## **KEY DEFINITIONS**

The following definitions apply to terms as they are used in this Policy:

- **“Conflict of interest”** means: a situation when the personal interests of an employee are incompatible or have the potential to be incompatible with his/her duties and responsibilities to the University. This includes, but is not necessarily limited to situations where a person acting on behalf of the University is involved in decision making and:
  - a) that person has a business, commercial or financial interest related to, or reasonably perceived to be related to that decision;
  - b) the business, commercial or financial interest of a Related Person are or could be reasonably perceived to be impacted by the decision; or
  - c) A Related Person is the target of the decision-making process.

By way of example, a Conflict of interest shall include the following situations:

### Close personal relations with colleagues

Where a colleague is considered a Related Person, as defined in this Policy, (for example, where two faculty members have, or have had, a sexual or romantic relationship), an



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employee will be in a Conflict of interest in any circumstance where they are involved in making a decision that affects the professional or academic status or well-being of that colleague. A Conflict of interest will not arise simply because both employees are on a committee, or are each contributing to discussions about third parties.

## Close personal relations with Students

Where a Student is considered a Related Person, as defined in this Policy, (for example, where an employee has, or has had, a sexual or romantic relationship with a Student), the employee will be in a Conflict of interest if they exercise any influence - direct or indirect - in decisions that may affect the Student. By virtue of the nature of their role in the University; faculty members will almost always inevitably be in a Conflict of interest if they have a sexual or romantic relationship with a Student.

In addition to creating a Conflict of interest, a sexual relationship between consenting adults 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 involved exercised authority over the other, and where that person's conduct – although consented to – was “unwelcome” to the other.

Without limiting the generality of the foregoing, a Conflict of interest may exist regardless of whether any of these factors have occurred:

- i. there has been willful wrongdoing,
  - ii. the judgment of the employee has been affected, or
  - iii. benefit (workplace or otherwise) of a monetary or non-monetary value including a personal benefit has been received or reasonably may be expected to be received by an employee, a Related Person, or a person with whom an employee has had or has a relationship, but a Conflict of interest will exist where any of those factors has occurred.
- **“Related Person”** means: an employee’s family member (e.g. spouse, child, parent, sibling, grandparent, aunt, uncle, cousin, nephew or niece), or other person living in the same household, any other person with whom the employee shares directly or indirectly a financial or personal interest or a person with whom the employee has had or currently has a romantic or sexual relationship.
  - **“Supervisor”** means: a person who has charge of a workplace or authority over a worker. In the case of the University this would include but not be limited to: Department Head, Director, Manager or supervisor responsible and which may include faculty in charge of classroom or laboratory settings.
  - **“Student”** means: a person who is taking courses in a graduate, undergraduate, or other program offered by the University, including the Collegiate, English Language Program and Professional, Applied and Continuing Education.



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## **POLICY ELEMENTS**

### **Principles:**

Employees have a responsibility to act in the best interests of the University and to maintain the integrity and reputation of the University in its dealings with Students, staff, and the public.

Employees shall conduct themselves so as to avoid Conflicts of interest and where a Conflict of interest may occur or has occurred shall immediately report the circumstances and the nature of their interest or involvement to their immediate Supervisor.

Employees are privy to knowledge or confidential or restricted information concerning the property, organization, or affairs of the University and have a duty not to disclose such information other than in the performance of their employment responsibilities.

Employees are therefore required to comply with the following:

1. An employee shall not disclose confidential or restricted information concerning the property, organization, or affairs of the University except in the performance of their employment responsibilities, and in no circumstances shall such information be used to benefit themselves or others.
2. An employee shall not seek to obtain personal gain for themselves or for a Related Person from the use of any information acquired in the course of the employee's duties which is not generally available to the public.
3. An employee, having attended or received minutes or other records of a confidential meeting of any University body, shall not disclose to or discuss with anyone other than a member of that same body, details of any discussions on matters coming before that meeting or decisions made by the body which are intended to remain confidential.
4. The responsibility for maintaining the confidentiality of information or documents includes the responsibility for ensuring, as far as is reasonable and practicable, that such information or documents are not directly or indirectly made available to unauthorized persons.

### **Procedures:**

Where a Conflict of interest may occur or has occurred, an employee shall immediately report the circumstances and the nature of their interest or involvement to their immediate Supervisor.

On receiving a report of an existing or potential Conflict of interest, the Supervisor shall:

- a) implement measures to address the Conflict or potential Conflict of interest; and



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- b) immediately notify the Vice-President Finance and Administration and report on the measures addressing the Conflict of interest.

Where the employee's Supervisor is unable to implement measures to address the Conflict of interest, they shall refer the matter to the Vice President Finance and Administration who may take all necessary action to address the Conflict of interest.

When a Conflict of interest exists, the employee or individual associated with the University may, in an appropriate case, be relieved of the responsibilities resulting in the Conflict of interest.

## **Breach of Policy:**

If any employee breaches the provisions of this Policy, whether by:

- a) failing to declare a Conflict of interest where one exists or may reasonably be perceived as existing,
- b) failing to observe the above stated confidentiality requirements, or
- c) failing in any other manner to comply fully with the spirit and intent of the Policy,

they may be subject to:

- a) exclusion from meetings or other dealings where the matter or issue giving rise to the Conflict of interest may be discussed or otherwise affected, or
- b) barring from the Campus or portions thereof as may be necessary in the opinion of the Vice President Finance and Administration, and
- c) disciplinary consequences up to and including termination of employment.

Any disciplinary action initiated under this Policy shall be subject to the relevant collective agreements and/or excluded staff policies.

## **ASSOCIATED PROCEDURES**

- Not Applicable

## **RELATED POLICIES**

- Responsible Conduct of Research & Scholarship Policy
- Respectful Working and Learning Environment Policy
- Purchasing Policy

## **RELEVANT DATES**

**Effective:** June 19, 2017

**Scheduled Review:** June 19, 2022