

# Conflict of Interest and Commitment

This policy applies to all individuals holding general staff or research grant and contract appointments. Faculty members covered by [QUFA](#) bargaining units should consult their respective collective agreements for the Articles pertaining to Conflict of interest/Conflict of Commitment. Faculty members not covered by QUFA bargaining units should consult the Senate Policy on Conflict of Interest and Conflict of Commitment.

The objective of this policy is to clarify Queen's University's expectations for staff who may become involved in situations, which cause, or could potentially cause, a conflict of interest and/or a conflict of commitment. It is impossible to detail all the possible eventualities giving rise to a conflict of interest or commitment, however the following policy and procedures are intended to provide guidance to staff members in order that the vast majority of perceived, potential or actual conflicts of interest/commitment are recognized and either avoided or dealt with fairly and expeditiously through appropriate disclosure and management. Early disclosure of a potential or actual conflict of interest or conflict of commitment is key to successful resolution of the matter.

## Policy

An actual or apparent conflict of interest arises when a staff member is placed in a situation where their personal interest, financial or other, or that of an immediate Family member or of a person with whom there exists, or has recently existed an intimate, personal relationship, conflicts, or appears to conflict, with their responsibility to the University or with the interests of the University. This includes situations which may arise where the staff member is in a position to influence directly or indirectly University business or other decisions in ways that would lead to a gain/benefit for the staff member or immediate Family member.

A conflict of commitment arises when a staff member's external activities or commitments, paid or unpaid, interfere with their ability to meet responsibilities to the University.

For the purposes of this Policy, "immediate Family member" means a spouse, partner, parent, child or sibling.

Staff members are expected to avoid actual or potential conflicts of interest or commitment.

Staff members are expected to disclose immediately upon discovery, and to resolve subsequently with the University, actual or potential conflicts of interest/commitment arising from the activities in which they are engaged.

## Procedures for Disclosure and Management of Conflicts of Interest and Commitment

In addition to reporting requirements contained in other University policies, a staff member has an obligation to provide full written disclosure of all relevant information, as soon as they could reasonably be aware that a conflict may exist, to their Department Head/Director. The existence of the actual or potential conflict of interest/commitment does not necessarily preclude the involvement of the individual in the situation where the conflict has arisen or may arise, however, it does mean that the conflict should be formally declared by the

staff member in writing and resolved in conjunction with the Department Head/Director before any action or decision is taken. Such resolution may include prohibition of the staff member's activities with respect to the matter. It is recognized that in some situations there may be legitimate doubt as to whether a conflict of interest/commitment exists, in which case, discussion with the Department Head/Director may clarify the issue and/or lead to a solution. Department Heads/Directors should consult with appropriate University officials where the conflict or potential conflict is unusual, substantial or complex.

If the Department Head/Director has an interest in the matter to be discussed, the disclosure shall be made to the person at the next higher level of authority.

The Department Head/Director, in consultation with the staff member and other appropriate University officials shall determine whether a conflict exists or may appear to exist and determine the way to avoid or deal with the matter. The resolution of the matter shall be made in writing.

In the event that agreement cannot be reached, the case will be referred to the next higher level of authority for resolution, up to and including the Dean, the appropriate Associate Vice-Principal, the appropriate Vice-Principal, or the Principal.

The Principal's decision shall be final and binding.

## Examples of Conflict of Interest/Commitment

There are many situations that may lead to a conflict of interest or conflict of commitment. The examples listed below, while not a comprehensive list, illustrate situations which may lead to a conflict of interest or a conflict of commitment and that should be avoided or if not possible to avoid, disclosed and managed.

### Examples of Conflict of Interest

1. Entering into a research, business or other contract/transaction on behalf of the University with a company or firm in which the staff member, a member of their immediate Family or a person with whom there exists, or has recently existed, an intimate personal relationship, has a financial interest.
2. Authorizing, influencing, or participating in the purchase of equipment, materials, services or real property using University funds, or with funds administered by the University, from a source in which the staff member, a member of their immediate Family or a person with whom there exists, or has recently existed, an intimate personal relationship, has a financial interest.
3. Accepting gifts, benefits or favours from individuals or firms with which the University does business, with the exception of minor gifts as token courtesies. Employees should be aware that vendors or suppliers provide gifts, services or entertainment (meals, tickets to sports events, etc.) as part of their marketing or promotion efforts. These expenditures are often made by the vendor or supplier with the expectation that they will be rewarded with increased sales. The employee who receives a gift, service or entertainment will be in a conflict of interest with Queen's University if this personal benefit results in a decision to purchase goods or services that is not the best value for the University. Consequently, all employees must disclose to their supervisor, all offers of gifts, services or entertainment\* with a value greater than \$75. In addition, frequent offers of gifts, services or entertainment, regardless of value, from a single vendor should be disclosed and discussed with the Department Head/Director to

ensure that the interests of the University are not compromised by a perceived or actual conflict. Where acceptance of any of the above offers, is deemed inappropriate or likely to produce a conflict of interest, the gift, service or entertainment is to be refused and/or returned.

In some work units, it may be appropriate for the \$75 threshold listed above to be lowered at the discretion of the Department Head/Director. In the event that this occurs, the Department Head/Director is responsible for ensuring that the new threshold information is clearly communicated and available to all employees in the unit. The threshold may not be raised.

\*In the case of an occasional business meal, disclosure to a supervisor is not required.

4. Directing students or other staff to carry out work for a company or firm in which the supervising staff member, a member of their immediate Family, or a person with whom there exists or has recently existed an intimate, personal relationship, has a financial interest.
5. Using University resources (including equipment, supplies, services or facilities) for the staff member's personal benefit or the benefit of the staff member's immediate Family or a person with whom there exists or has recently existed an intimate, personal relationship without the prior approval of the University. Costs for such equipment, supplies, services or facilities shall be borne by the staff member at prevailing rates set by the University, unless the University agrees in writing, to waive all or part of such costs.
6. Participating in the appointment, hiring, promotion, supervision or evaluation of a person with whom the staff member has a marital or familial relationship, or with whom there exists or has recently existed an intimate, personal relationship.
7. Using for personal gain, or other unauthorized purpose, information acquired as a result of the staff member's University activities which is not available to the general public; such information might include, for example, knowledge of forthcoming developments requiring contractor or consultant selection or bulk purchases.
8. Using for personal gain, intellectual property acquired or developed using University resources; by way of example, such intellectual property includes software tools or programs, or specialized pieces of equipment developed in the course of employment.

### Examples of Conflict of Commitment

1. Undertaking outside employment, which interferes with the performance of University duties and responsibilities.
2. Carrying out work for an outside employer or for an employee's own personal or Family business during their regular working day at the University.

### Confidentiality

All information, reports and resolutions disclosed and determined in accordance with this policy will be held in confidence by the Department Head/Director (or other authorized University officials) or within the employee's personnel file in Human Resources.

## Failure to Disclose

Failure to disclose a potential or existing conflict of interest or commitment may result in disciplinary action being taken, up to and including termination of employment.

## Distribution and Notification

This policy shall be distributed to each staff member upon its approval.

## Effective Date

This policy is effective March 2004. Existing situations of conflict of interest or commitment that have not been disclosed or documented are subject to the terms of this policy and should be declared promptly.