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## Conflict of Interest

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Policy Number:	4130
Key Process Area:	Employee Engagement and Culture
Owner:	VP FA
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### **POLICY STATEMENT**

NBCC values leadership with integrity and demonstrates that by taking pride in its collective accountability. All Employees are expected to be accountable for their actions and must conduct themselves in such a way as to instill public confidence and trust in the College.

### **PURPOSE**

This policy outlines NBCC's commitment to accountability and provides guidance regarding activities that may be, in fact or perception, conflicts of interest therefore may not align with NBCC's values and, more specifically:

- Define and promote standards of conduct that support our values;
- Assist NBCC Employees in recognizing situations involving conflicts of interest so that they can, in good faith, take the initiative to disclose, manage and resolve such situations; and
- Provide a process for NBCC to respond to, manage and resolve any such conflicts.

### **SCOPE AND LIMITATIONS**

This policy applies to all NBCC Employees and Partners. Compliance with this policy is a condition of employment.

#### **1.0 DEFINITIONS**

Accountability – Responsibility and answerability to an NBCC manager or supervisor for the for achieving operational, policy and program objectives within the framework of the applicable legislation, regulations, and College policies and procedures to an agreed upon quality using College Resources.

College Resources – include Employees, students, Partners, facilities, equipment, funds, grants, gifts, services, information and Technology Resources.

Conflict of Interest – A situation which allows another interest, especially a monetary interest, to interfere with responsibilities owed to the College. This includes but is not limited to self-interest, any interests of a close friend, extended family member or business associate, corporation or partnership.

Employee – a person who is subject to an employment agreement with NBCC, meets the definition of Employee under the Public Service Labour Relations Act and any further description within NBCC collective agreements.

Partners – including but not limited to Visiting Scholars, volunteers, contractors, fee-for-service individuals, clients of NBCC and any other persons while they are acting on behalf of or at the request of the College.

Politically Restricted Employee - an Employee who:

- Holds the position of President or is a senior executive of NBCC; and/or,

- Whose absence would unduly negatively impact NBCC strategic or operational requirements.

Technology Resources - Including but not limited to computing devices, communication devices, hardware, software, applications, storage and other network infrastructure authorized for use by College Employees.

Vice President – is the Vice President responsible for Employee Engagement and Culture and Labour Relations.

## 2.0 IMPLEMENTATION

### 2.1 General

**2.1.1** Where references to specific positions within the policy occur (e.g. Vice President; Director, Employee Engagement and Culture; Director, Labour Relations), each position may appoint a designate (in writing) for the purposes of this policy

**2.1.2** Employees and Partners shall always conduct themselves in a manner that does not interfere with the College's ability to accomplish its strategic goals or undermine public confidence in NBCC.

### 2.2 Conflict of Interest Situations

**2.2.1 Compromising situations** where Employees are obligated or obliged to any person or organization that might benefit or seek to gain benefit, special consideration or favour from the Employee or NBCC.

#### **2.2.2 Incompatibility between employment and personal responsibilities**

- a) Employees are expected to keep their NBCC-related and personal responsibilities separate by ensuring no preferential treatment to members of their immediate families or friends, or to any organization in which they or their relatives have an interest, financial or otherwise.
- b) Employees are expected to identify volunteer activities which may constitute a conflict of interest noting that even where no remuneration exists for such activities, it may create a conflict with the Employee's NBCC-related responsibilities and/or formal affiliations or corporate obligations of NBCC as a whole.
- c) Members of an Employee's immediate family will not be assigned to work together where one would be required to supervise the other.

#### **2.2.3 Personal Use of College Resources**

- a) The primary purpose for College Resources is for business use. Employees will make limited, infrequent, or incidental use of College Resources for personal use. Unlimited, frequent or non-incidental use is prohibited.
- b) With particular reference to Technology Resources, use is further governed by NBCC's ISMS Acceptable Use of Technology Resources guideline and such other policies and procedures as may be put in place from time to time.
- c) Personal use of College Resources will:
  - i. Adhere to NBCC policies.

- ii. Not interfere with NBCC's or any Employee's (including their own) productivity.
- iii. Not adversely affect the ability of NBCC, any department or Employee to deliver upon operational requirements.
- iv. Not increase NBCC expenses.
- v. Not engage in illegal activity.
- vi. Not compromise the College in any way.

#### **2.2.4 Acceptance of Gifts, Prize or Other Benefits from NBCC, Employees, Partners or External Parties**

Employees shall not accept personal gifts, prizes or other benefits from NBCC, Employees, Partners or external parties arising from their relationship with the College, other than:

- a) Exchange of tokens of hospitality between persons doing business together.
- b) Presentation of nominal gifts to Employees participating in public functions.
- c) Prizes resulting from lotteries or other legal random draws for which the Employee has paid personal funds to participate.
- d) Recognition awards authorized by the President (e.g. retirement, Excellence awards).
- e) Where the aggregate annual value of such gifts, prizes or other benefits is less than \$250.

#### **2.2.5 Acceptance of Personal Gift from NBCC Employees**

Employees may exchange and accept gifts paid from personal funds.

#### **2.2.6 Employment with Another Employer/Operating a Business**

Employees may engage in employment with another employer and/or operate a business provided that it does not:

- a) Contravene any NBCC policy including this one.
- b) Bring the College into disrepute.
- c) Adversely affect the Employee's productivity.
- d) Adversely affect the ability of NBCC, any department or Employee to deliver upon operational requirements.
- e) Rely upon or gain unfair competitive advantage derived from their employment as an NBCC Employee.
- f) Provide goods and services to students, Partners or other NBCC Employees which are (or ought to have been) provided directly by NBCC as part of the Employee's operational requirements.

#### **2.2.7 Employer Provision of Goods/Services**

The provision of goods and/or services outside of an Employee's operational

requirements to/on behalf of NBCC must be reviewed and approved, in advance of executing any employment or contractual agreement, by the Director of Employee Engagement & Culture.

### 2.2.8 Political Activity

- a) Employees wishing to participate in municipal, provincial or federal political activities by actively seeking elected office must follow the guidelines below while employed by the College:
  - i. Employee political activities must be clearly segregated from decision-making regarding NBCC resource allocations and operational requirements.
  - ii. Employee must be able to maintain impartiality *in fact and perception* of students, Partners and other Employees.
  - iii. Employee must not engage in political activities during working hours or use College Resources in support of such activities.
  - iv. Employee shall not directly or indirectly use the authority or official influence inherent in their position to control, modify or otherwise influence the political activities of another Employee.
- b) Employees must not, at any time, engage in a political activity in a manner or to an extent that could result in a perception that the Employees are not fulfilling the duties and responsibilities of their position impartially or effectively.

2.2.8.1 Politically Restricted Employees shall resign their position prior to commencing work, filing nomination with the related Returning Officer or publicly announcing intentions to be a candidate / run for elected office; and/or working or their intention to work for, on behalf of or against a candidate or registered federal, provincial or municipal political party.

2.2.8.2 Employees who are not "Politically Restricted Employees" shall follow the directives set out by NBCC below prior to commencing work, filing nomination with the related Returning Officer or publicly announcing intentions to be a candidate / run for elected political office:

- i. Prior to submitting a request in the form and format which may be outlined by Employee Engagement and Culture (e.g. currently Employee Self-Serve), operational requirements must be discussed with the relevant supervisor and confirmation sought that operational requirements can be otherwise met.
- ii. Upon such confirmation, the supervisor must notify the Director Employee Engagement and Culture of the Employees proposal and any operational impacts.
- iii. Upon receipt of acknowledgement, and upon addressing any concerns expressed by the Director Employee Engagement and Culture, the Employee may submit a request in the form and format which may be outlined by Employee Engagement and Culture (e.g.

currently Employee Self-Serve) for a leave without pay (i.e. LWOP), such requests not to be unreasonably withheld.

- iv. The LWOP shall commence no later than the day on which the Employee files the nomination papers with the Returning Officer and shall terminate on the 14<sup>th</sup> day after the results of the election are officially declared.
- v. An Employee who is officially declared elected in a federal or provincial election ceases to be an Employee of NBCC on the day of the declaration.

### **2.2.9 Other**

NBCC may consider circumstances on a case-by-case basis and modify, vary or add to conduct which is the subject of this policy based on the reasonable application of principles herein and provided the change is not more permissive.

## **2.3 Communication, Public Comment and Unauthorized Representation**

**2.3.1** Employees in contravention of this section may do so intentionally or unintentionally. All Employees are responsible for exercising due diligence in the curation of their public persona.

**2.3.2** Employees shall not use NBCC's name; references to the College, employment by or other relationship with the College; College letterhead, forms or templates; or any elements of the College's Visual Identity as defined by Marketing and Creative Services in association with an expression of private opinions, public or private presentations, social media or protests without written permission from NBCC.

**2.3.3** Employees will not represent themselves as speaking on behalf of the College and they will not assume that their positions at the College lend validity to their private opinions without written permission from NBCC.

## **2.4 Disclosure and Reporting**

**2.4.1** If an Employee has reason to believe they are currently, or has become, involved in a Conflict of Interest situation in fact or perception, the Employee must:

- a) Discuss the matter with their manager as soon as possible.
- b) Submit a request, in writing, to the Director of Employee Engagement and Culture for consideration of the situation (i.e., whether it constitutes a Conflict of Interest). The Director will provide confirmation in writing to the Employee on a timely basis as to whether the situation is a Conflict of Interest under this policy.

**2.4.2** If an Employee wishes to seek an exception to any element of this policy, they must submit a request, in writing to the Director of Employee Engagement and Culture for consideration of the situation (i.e., whether it constitutes a Conflict of Interest). The Director will provide confirmation in writing to the Employee on a timely basis as to whether the situation is a Conflict of Interest under this policy.

**2.4.3** Any decision of the Director Employee Engagement and Culture under this policy may be escalated to the Vice-President, if disputed, such decision rendered being final.

- 2.4.4** Employees must bring any matter in which they have reason to believe that there exists an alleged contravention of the law; a waste of public funds or assets; and/or a danger to public safety to the attention of the Director, Employee Engagement and Culture, either directly or through normal supervisory channels. Employees will not be subject to discipline or reprisal for bringing forward such matters in good faith and would have access to provisions under NBCC's Protected Disclosure policy.

## 2.5 Responsibilities for Implementation and Administration

Role	Responsibility
Managers shall	<ul style="list-style-type: none"> <li>• Ensure that their Employees are familiar with provisions of this policy by reviewing its content annually, and</li> <li>• Apply or recommend any appropriate actions necessary to ensure compliance.</li> </ul>
Employees shall	<ul style="list-style-type: none"> <li>• Advise their manager and the Director, Employee Engagement and Culture of any Conflict of Interest situation in which they find themselves; and</li> <li>• Annually confirm to their Managers that they are not in a Conflict of Interest as described by this policy.</li> </ul>
Director, Employee Engagement and Culture shall	<ul style="list-style-type: none"> <li>• Shall determine whether a Conflict of Interest submitted by Employee or manager exists in fact or perception.</li> </ul>

## 3.0 OTHER RELATED DOCUMENTS

Not applicable.