

# EMPLOYEE CONFLICT OF INTEREST AND COMMITMENT

## REFERENCE AND SUPPORT TOOL

### ABOUT THIS TOOL

This reference tool is designed to help you interpret the NSCC Employee Conflict of Interest and Commitment Policy by providing you with a number of different scenarios that may or may not represent a Conflict, along with commentary and guidance on how to approach a potential Conflict.

### DEFINITIONS

**Conflict:** For the purposes of this Policy, Conflict may refer to any or all of Conflict of Interest, Conflict of Commitment and/or Institutional Conflict as defined herein.

**Conflict of Commitment:** exists where a College employee undertakes or engages in any activity or commitment, whether paid or unpaid, apart from the employee's normal responsibilities to the College, which may:

- (1) interfere with the employee's ability to effectively carry out his/her College-related duties and responsibilities;
- (2) compete or conflict with the mission of the College; or
- (3) adversely affect the reputation of the College.

Not all outside activities or business activities of College employees amount to Conflicts of Commitment. Examples of Employee Conflict of Commitment are set out in Appendix A.

**Conflict of Interest:** exists when a member of the College Community has or may be perceived as having the opportunity to advance or protect a Personal Interest of the member or of a person with whom the member has a family, personal, business or similar relationship. A Conflict of Interest may arise in circumstances where Personal Interests may directly or indirectly affect the member's professional judgment in the exercise of College duties and responsibilities. Examples of Employee Conflict of Interest are set out in Appendix A.

**Institutional Conflict:** A situation in which the College or an institution has an existing relationship with a party with which the College or the institution proposes to enter into an activity, contract, or commitment, such that an impartial observer might reasonably question whether the existing relationship might prejudice decisions of the College or institution with respect to the activity.

**Personal Interest:** exists where one has an interest, including, but not limited to, a financial, family, or professional interest, in a decision, activity or business affair of the College.

## SCENARIOS

### Conflict of Commitment

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#### Scenario # 1

- You are a full-time, Faculty member in the School of Trades and Technology. The Manager of Customized Training on your campus approaches you to teach a module for one of their industry clients for which you will be compensated separate and apart from your regular NSCC salary. This training would occur during your regularly scheduled teaching hours.

*Is this a Conflict of Commitment?*

Yes, because the times of the Customized Training assignment and your regularly scheduled teaching hours conflict; this would interfere with your ability to carry out your primary duties as an employee of the College.

#### Scenario # 2

- You are a Faculty member with the Graphic Design program in the School of Applied Arts & New Media. In your spare time, you run a small company providing design work for private industry.

*Is this a Conflict of Commitment?*

Not as long as your business does not encroach on the time or attention that should be devoted to your duties with the College or affects your energies as to prevent the application of full abilities to the performance of your duties. You have an ongoing responsibility to reassess whether a Conflict arises in the future, due to changing demands of your company.

#### Scenario # 3

- Now, one of your clients from that graphic design business approaches you to develop and teach a course for their employees on basic graphic design.

*Is this a Conflict of Commitment?*

Yes, because developing and teaching a course on graphic design is in direct competition with the services provided by NSCC.

### Scenario # 4

- You are tasked with purchasing a piece of equipment for the College. You follow the NSCC Purchasing Procedures. One of the proposals you receive is from your uncle's company. After evaluating all of the proposals, you recommend purchasing the equipment from your uncle's company.

#### *Is this a Conflict of Interest?*

Yes, you participated in the decision to purchase equipment for the College to the advantage of an individual with whom you have a relationship. You had a duty to disclose the situation to the person or body responsible for the matter concerned and did not. If you had disclosed the Conflict, the College could have evaluated whether any measures were necessary to ensure its integrity, reputation, etc. were preserved.

### Scenario # 5

- You work for Student Services. Your niece is a student at NSCC. Your sister is concerned about your niece's marks and asks you to find out how she is doing academically. You look at her marks in Peoplesoft and assure your sister that all is well.

#### *Is this a Conflict of Interest?*

Yes, you used privileged information acquired as a result of your role in the College for unauthorized purposes and to provide a benefit to a relative.

### Scenario # 6

- You have been asked to participate on a hiring panel to interview and select an employee of NSCC. You have encouraged a former colleague from your previous employer to apply as you believe that the role profile matches her skills and experience. The day before the interview, you receive the applications of candidates to be interviewed and find that not only has your former colleague applied; she has been selected to be interviewed.

#### *Is this a Conflict of Interest?*

We encourage colleagues to sit on panels where co-workers are being interviewed. We also recognize the value of, and encourage referrals from current NSCC employees of former colleagues or other contacts. According to NSCC Employee Conflict of Interest policy, participating in personnel decisions involving a person with whom you have a relationship is a conflict of interest. Should you find yourself in a situation where you may be contributing to a hiring decision for someone with whom you have a relationship, you have a duty to disclose the situation by completing a Declaration of Potential Conflict of Interest or Commitment. Because of the short time available, it may not be possible for the College to conduct a review and respond to the Conflict before the scheduled interview. In that case, you would have to excuse yourself from involvement in the interview and decision-making process until such time as the Conflict has been reviewed and a response given by the College. .

### Scenario # 7

- You are a full-time employee of NSCC. You have talked to your immediate supervisor and Principal or leader of your division about your intentions to run for public office. With their consent, you publicly announce your intention to run for office.

*Is this a conflict of Commitment or Interest?*

NSCC supports employee involvement in outside activities and community service and recognizes that in many cases, there can be considerable positive exposure for the College arising from such activities. As long as your campaign does not encroach on the time or attention that should be devoted to your duties with the College or affects your energies as to prevent the application of full abilities to the performance of your duties, it is not a conflict.

### Scenario # 8

- You use NSCC's communications distribution list(s) to solicit support from colleagues for your candidacy

*Is this a Conflict of Commitment or Interest?*

Yes, this is conflict of commitment as you are soliciting College stakeholders to advance your personal interests. It is also a conflict of interest as you are using the resources of the College to benefit a private concern.

### Scenario # 9

- You ask an Administrative Assistant (an NSCC employee) in your office to help you do a mail-out of campaign flyers.

*Is this a conflict of commitment or interest?*

Yes, this is a conflict of interest because you are using College resources and time to carry out work for an enterprise in which you have a personal interest or gain.

### Scenario # 10

- During a media interview, you say that NSCC supports your candidacy.

*Is this a conflict of commitment or interest?*

Yes, it is a conflict of commitment because the statement has the potential to adversely affect the reputation of the College as it implies endorsement of a candidate and therefore a political party.

### Scenario #11

- You are successful in securing a seat in public office. You intend to assume that seat while maintaining your full-time position with NSCC.

*Is this a conflict of commitment or interest?*

It may be a conflict of commitment, if your duties of office are in conflict with your time commitment to the College. It may also be a conflict of interest, if your duties of office have the potential to impact or influence negatively upon the reputation of NSCC.

## WHAT TO DO

Conflict can include situations where a person is perfectly unbiased and acts appropriately but an outsider could nonetheless perceive or suspect a conflict. If a reasonable person could perceive a conflict may exist, you should assume that a Conflict situation exists. In thinking about this “reasonable person”, you should assume that they do not know anything about you personally and are, therefore, unable to judge your integrity. Managing conflict situations is a question of supporting you in your ability to work with integrity and also about ensuring both your integrity and that of the College are not tarnished in any way.

If you believe you may have a Conflict of Interest or a Conflict of Commitment or be perceived to have such a Conflict; you should immediately advise your direct supervisor and Principal or leader of your division and proceed as set out in the Policy and Procedures.

The College will take steps to review the Conflict and determine whether and what steps are required to protect its values and integrity. You may contribute your opinion about the situation, but ultimately, the College must decide how to manage it.