

1.0 POLICY STATEMENT

- 1.1 MacEwan University employees are placed in a position of trust. All employees are expected to act in a way that reflects the place they hold in the public sphere and to maintain the trust and regard expected of the employees of a publicly-assisted undergraduate University.

Employees must ensure that their actions and decisions are conducted in a manner that is reasonable, honest and in the best interest of the University. Conflicts of Interest and Conflicts of Commitment are to be avoided or, where this is not possible, declared and managed in accordance with this Code.

This Code was developed in accordance with the *Conflicts of Interest Act* and based on the approval of the Ethics Commissioner.

2.0 PURPOSE

2.1 Purpose

The purpose of this Code is to clarify the University's position on Conflicts of Interest and Conflicts of Commitment, to outline how conflicts are to be identified and managed, and to ensure all employees carry out their duties to a high ethical standard without actual or perceived influence by external considerations.

2.2 Guiding Principles

These are the ethical standards the University expects of itself and its employees in order to foster and sustain an environment of trust, collegiality, and openness. The Code should be interpreted in accordance with these principles:

Honest and Transparent

- We believe that honest communication with all stakeholders is of the utmost importance.
- We are transparent in our decision-making, the basis of which is fairness and integrity.

Progressive and Open-Minded

- We understand that considered risk-taking is necessary for progress and innovation.
- We value a stimulating environment and are open to criticism and constructive debate.

Intentional and Diligent

- We take meaningful and intentional action in our pursuit of excellence.
- We are proactive, diligent, and accountable for our actions.

Respectful and Diverse

- We are respectful, considerate, and supportive of others, even when we do not agree.
- We believe that a healthy university community is one with a diversity of views and opinions.

3.0 APPLICABILITY

- 3.1 The Code applies to all employees of the University. Employees who are also members of the Board of Governors, including the president, must adhere to this policy as well as the *Board of Governors Bylaws and Board Code of Conduct*. The Code does not apply to matters of intellectual property or academic freedom.

4.0 DEFINITIONS

Conflict of Interest

A Conflict of Interest occurs when an employee's personal interests interfere, or may appear to interfere, with the interests of the University. Personal interests may include business, commercial or financial interests as well as personal matters and career interests. Conflicts of Interest may be real, potential, or perceived and may exist even in situations where the University also receives a benefit.

Examples include but are not limited to: the use of University resources or information for personal gain; using MacEwan-owned materials for teaching at another institution; and financial, contractual or employment decisions involving a Family member.

Conflict of Commitment

A Conflict of Commitment occurs when an employee's activity outside of their primary role at MacEwan interferes with or detracts from the employee's work-related obligations.

Examples include but are not limited to: outside activities scheduled during normal working hours without prior approval; outside activities that negatively impact an employee's ability to attend and perform their regular functions; and concurrent appointments within or external to the University.

Donor

An individual, organization, corporation, or foundation that provides support to the institution by voluntarily transferring property but that is not a paid supplier of goods or services to the University.

Family

For purposes of this policy, Family includes a spouse, dependents, parents and step-parents, guardians, grandparents, siblings and step-siblings, and in-laws.

Friend of the University

A person, organization, corporation, or foundation who is a champion for the institution and provides non-financial support to achieve institutional priorities but who is not a paid supplier of goods or services to the University.

Out of Scope Managers

Senior Administrators and other individuals who have been delegated managerial responsibility for others working at the University and who are not part of a bargaining unit.

Senior Administrator

Senior Administrator means the chair of the Board of Governors, the president, vice presidents, deans and associate vice presidents.

5.0 POLICY ELEMENTS

- 5.1 Employees are responsible for carrying out their duties honestly, impartially, and to the best of their ability, avoiding Conflicts of Interest and Conflicts of Commitment. They must ensure that they are acting impartially by being aware of and mitigating their personal biases, basing decisions on objective criteria, and maintaining awareness and adherence to established policies, procedures, contractual obligations, and legislative requirements.
- 5.2 Employees must not act in self-interest or further their private interests by virtue of their position or through carrying out their duties.

- 5.3 Employees will ensure that confidential information is used and disclosed only for the purposes for which it was collected or intended to be used except where disclosure is authorized by University policy, required by law, or otherwise determined by the Board of Governors.
- 5.4 The University will not employ Family, friends, or others within the sphere of influence of an employee, an employee's spouse, or a member of the Board of Governors where one may have the opportunity to influence the terms or conditions of employment of the other.

5.5 Gifts and Events

- 5.5.1 Employees must not accept any gift or invitation to an event or conference where acceptance may create a Conflict of Interest. Employees must use their discretion and recognize that, while a gift or invitation may be offered with the expectation of receiving nothing in return, acceptance may still create a perceived Conflict of Interest. Even a perceived Conflict of Interest must be avoided or managed before the gift or invitation may be accepted.
- 5.5.2 The Code is not intended to preclude the acceptance of every gift or event invitation. An employee who is uncertain whether the acceptance of a gift or invitation is appropriate may contact their Senior Administrator for written direction. In providing such direction, the Senior Administrator must act reasonably and take into account the best interests of the University and whether or not there is a real or perceived Conflict of Interest.
- 5.5.3 Gifts and event invitations must not exceed the following limits:
- 5.5.3.1 Any single gift cannot exceed a cash value of \$250.
 - 5.5.3.2 Any combination of gifts received from a single source within a calendar year cannot exceed a total cash value of \$500.
 - 5.5.3.3 Any single paid invitation to an event cannot exceed a cash value of \$500, inclusive of food and beverage.
 - 5.5.3.4 Any combination of paid invitations to events from a single source within a calendar year cannot exceed a total cash value of \$500, inclusive of food and beverage.
 - 5.5.3.5 Senior Administrators can accept a single event invitation from a Donor or Friend of the University if the value is \$1,000 or less. Any combination of such event invitations from a single source cannot exceed a cash value of \$2,000 per calendar year.
 - 5.5.3.6 Event invitation limits do not apply to attendance at social events if attendance at the social event is sponsored by a charitable foundation, the Governor General of Canada, a provincial Lieutenant Governor, any Canadian federal, provincial, municipal or regional government or any member of such government, a consul or ambassador of a foreign country or a not-for-profit organization, provided the not-for-profit organization is not constituted to serve management, union or professional interests and does not have for-profit enterprises or representatives of for-profit enterprises as a majority of its members.
- 5.5.4 An employee may accept an invitation to speak or participate in a panel at a conference, seminar, workshop or similar event if their participation relates to their responsibilities at the University, subject to the following:

- 5.5.4.1 The employee must request written approval from their Out of Scope Manager or delegate if the conference invitation will require time away from their primary responsibilities.
- 5.5.4.2 The total value of transportation costs, registration fees, accommodation, meals and related incidentals that may be gifted to them in connection with the conference invitation cannot exceed \$8,000. Any combination of such invitations from a single source cannot exceed a cash value of \$16,000 per calendar year.
- 5.5.5 Employees must request special written approval from their Senior Administrator in order to accept a gift or invitation to an event or conference with a cash value that exceeds the limits set out in 5.5.3 and 5.5.4.
 - 5.5.5.1 The Senior Administrator will grant special approval in writing and only in alignment with the Code and where acceptance does not create a Conflict of Interest.
 - 5.5.5.2 The employee will be deemed to have complied with the requirements of 5.5.3 and 5.5.4 with respect to the specific gift or invitation if they comply with the written guidance provided by their Senior Administrator.
- 5.5.6 If the valuation of a gift or invitation to an event or conference is disputed, the value will be as determined by the Senior Administrator in consultation with subject matter experts.
- 5.5.7 If an employee accepts a gift with a cash value greater than the limits set out in 5.5.3.1 or 5.5.3.2 without special approval, the gift will become the property of the University.
- 5.5.8 Section 5.5 does not apply to gifts accepted by an individual on behalf of the University.

5.6 Concurrent Employment and Paid Appointments

- 5.6.1 Employees must receive written approval from their Out of Scope Manager or delegate prior to accepting any supplementary or joint employment or appointment for which the employee is entitled to receive remuneration. This requirement applies to employment and appointments within and external to the University.
- 5.6.2 Any concurrent employment and any paid appointment of a student who is an employee of the University does not need to be reported and will be deemed to have been pre-approved if the concurrent employment or paid appointment is in the retail, hospitality or service industries.
- 5.6.3 Any concurrent employment and any paid appointment of an employee who is neither a student nor a member of the Grant MacEwan University Faculty Association does not need to be reported and will be deemed to be pre-approved if the concurrent employment or paid appointment requires them to work no more than 20 hours per week and those hours are not scheduled during the employee's normal working hours at the University.
- 5.6.4 If the University knows, at the time a member of the Grant MacEwan University Faculty Association is hired to a full-time or part-time position at the University, that the member is being concurrently or jointly hired or appointed to a position at another organization or

holds a position at another organization, their position at the other organization will be deemed to be reported and pre-approved.

5.6.5 Any concurrent employment and any paid appointment of a member of the Grant MacEwan University Faculty Association who does not hold a full-time position at the University does not need to be reported and will be deemed to have been pre-approved if:

5.6.5.1 Their position at the University is unpaid;

5.6.5.2 Their concurrent employment or paid appointment is with another post-secondary institution;

5.6.5.3 They teach no more than two courses per semester at the University; or

5.6.5.4 The concurrent employment or paid appointment requires them to be a member of one of the professional associations listed in Appendix A.

5.6.6 Income received through research grants is considered concurrent employment. Such employment must be disclosed and approved unless the funding is administered by the MacEwan University department responsible for research services, in which case pre-approval will be deemed to have been granted.

5.6.7 Notwithstanding the pre-approvals set out in sections 5.6.2 to 5.6.6, the requirement for prior reporting and approval of concurrent employment and paid appointments applies if the concurrent employment or appointment gives rise to an actual or perceived Conflict of Interest.

5.7 Disclosure and Management of Conflicts

5.7.1 Employees must disclose all real, potential, or perceived Conflicts of Interest or Conflicts of Commitment in writing to their Out of Scope Manager or delegate. The employee must also be removed from any activities or decisions that could be affected by the Conflict, pending a response from their Out of Scope Manager or delegate.

5.7.2 Upon receiving a disclosure, the Out of Scope Manager or delegate will determine whether a Conflict of Interest or Conflict of Commitment exists and will respond to the employee in writing, including any necessary conditions to mitigate the conflict. This determination will be made in consultation with appropriate resources, such as their next level manager, the departments responsible for research services, human resources, risk management, and procurement, and/or MacEwan legal counsel.

5.7.2.1 In the case of a Conflict of Interest, the employee must receive the written response before making any decision or taking any action regarding the matter of concern.

5.7.2.2 In the case of a Conflict of Commitment, the Out of Scope Manager or delegate will determine whether the conflict may exist as a manageable conflict or not. If the conflict is determined to be manageable, it is the responsibility of the employee to ensure it remains manageable.

- 5.7.3 Employees have an ongoing obligation to notify their Out of Scope Manager or delegate of any material change relating to a previously reported Conflict of Interest or Commitment.
- 5.7.4 The vice president, Resources & People is responsible for providing executive oversight for policy and processes related to Conflicts of Interest and Conflicts of Commitment.
- 5.7.5 The associate vice president, Human Resources is responsible for ensuring that procedures are developed to provide guidance in matters relating to Conflicts of Interest or Commitment.

5.8 Appeals

- 5.8.1 An employee may appeal the decision made by their Out of Scope Manager or delegate regarding a Conflict to their next level manager. The decision of the next level manager will be final. If the original decision under appeal was made by a vice president, the vice president, Resources and People will establish the appeal process.
- 5.8.2 If an employee disagrees with a decision made by their Senior Administrator on the value of a gift or if an employee has been denied special approval to accept a gift or event invitation with a cash value that exceeds the limits set out in 5.5.3 and 5.5.4, the employee may appeal that decision through a process established by the vice president, Resources and People.

5.9 Requirements Specific to the MacEwan University President

- 5.9.1 Pursuant to the *Conflicts of Interest Act*, the president must:
 - 5.9.1.1 Not take part in a decision in the course of carrying out their office or powers knowing that the decision might further a private interest of the president, a person directly associated with the president, or the president's minor or adult child or step-child.
 - 5.9.1.2 Not use their office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown or a public agency to further a private interest of the president, a person directly associated with the president or the president's minor or adult child or step-child or to improperly further any other person's private interest.
 - 5.9.1.3 Not use or communicate information not available to the general public that was gained by the president in the course of carrying out their office or powers to further or seek to further a private interest of the president or any other person's private interest.
 - 5.9.1.4 Appropriately and adequately disclose a Conflict of Interest or Conflict of Commitment.
- 5.9.2 Concurrent Appointments
The president must request the written approval of the chair of the MacEwan University Board of Governors and the Alberta Ethics Commissioner prior to engaging in an alternate appointment, business, undertaking, or employment other than their position as president.

5.10 Reporting and Non-Compliance

- 5.10.1 Any individual who observes or believes an employee is non-compliant with this Code is responsible for reporting this concern to the human resources department. Individuals reporting in good faith and with reasonable grounds are protected from reprisal in accordance with the University's Safe Disclosure Policy.
- 5.10.2 The human resources department will inquire into the circumstances surrounding any alleged non-compliance and allow the individual who is subject to the complaint an opportunity to respond. The human resources department may delegate this inquiry to other parties as appropriate.
- 5.10.3 Employees who are determined to be non-compliant with this Code may be subject to discipline up to and including termination.
- 5.10.4 Non-compliance involving fraud or financial irregularities may be subject to further investigation under the University's Fraud and Irregularities Policy.

5.11 Administrative

- 5.11.1 MacEwan University respects and fulfills its legal and contractual obligations. In the event of a conflict or inconsistency between this policy and a provision in the relevant laws or Collective Agreements, the provisions of the laws and Collective Agreements will apply. Once the University becomes aware of the conflict, it will notify the Ethics Commissioner promptly.

5.12 Notice Period and Amendments

- 5.12.1 This Code will be made public on or before April 30, 2019 and implemented on July 1, 2019. The period between the date the Code is published and the implementation date will serve as the public notice period.
- 5.12.2 The following policies will continue to apply until this Code is implemented. Upon implementation, they will be rescinded:
 - 5.12.2.1 MacEwan University Employee Code of Conduct (16.04.21); and
 - 5.12.2.2 Policy D1205 Conflict of Interest and Commitment (2009.09.10).
- 5.12.3 The University reserves the right to amend this Code at any time, including but not limited to:
 - 5.12.3.1 On the advice or demand of the Office of the Ethics Commissioner; or
 - 5.12.3.2 Where required to ensure compliance with any changes to applicable legislation.

6.0 ASSOCIATED PROCEDURES

Not applicable

7.0 RELATED POLICIES, FORMS, AND OTHER DOCUMENTS

- *Conflicts of Interest Act*
- Contracts Review and Signing Authority Policy
- Fraud and Irregularities Policy
- Procurement Policy
- Safe Disclosure Policy

8.0 ACCOUNTABILITY

Policy Sponsor

Vice President, Resources & People

Responsible Office

Human Resources

9.0 HISTORY

Relevant Dates

Approved: **20.10.08**

Effective: **20.10.08**

Next Review: **25.10**

Modification History

18.04.26: New policy to comply with the amended *Conflicts of Interest Act*. Conflict of Interest and Commitment Policy and MacEwan University Employee Code of Conduct rescinded. Approved by Board motion. Effective July 1, 2019.

20.10.08: Revised to reflect Order in Council 237/2020 removing President as designated senior official under the *Conflicts of Interest Act* and to remove transitional provisions relating to the President which no longer apply. Approved effective October 8, 2020 by Board motion #02-10-08-2020/21. Approved by the Ethics Commissioner on August 13, 2020.

Appendix A – Approved Professional Organizations

Any concurrent appointment or employment as per section 5.6.5.4 does not need to be reported and is deemed pre-approved if the concurrent employment or appointment requires the employee to be a member of one of the professional associations below.

- Alberta College of Occupational Therapists
- Alberta College of Social Workers
- Alberta College of Speech-Language Pathologists and Audiologists
- Association of Professional Engineers and Geoscientists of Alberta
- Canadian Athletic Therapists Association
- Chartered Financial Analysts Institute
- Chartered Professional Accountants of Alberta
- College and Association of Acupuncturists of Alberta
- College and Association of Registered Nurses of Alberta
- College of Alberta Psychologists
- College of Dietitians of Alberta
- College of Hearing Aid Practitioners of Alberta
- College of Registered Psychiatric Nurses of Alberta
- Law Society of Alberta
- Physiotherapy Alberta College + Association