



FOR APPROVAL

PUBLIC

OPEN SESSION

TO: Business Board

SPONSOR: Heather Boon, Acting Vice-President, People Strategy, Equity & Culture
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PRESENTERS: See above.
CONTACT INFO:

DATE: June 13, 2023 for June 20, 2023

AGENDA ITEM: 6(a)

ITEM IDENTIFICATION:

Policy on Conflicts of Interest – Administrative Staff

JURISDICTIONAL INFORMATION:

Pursuant to Section 5.9 of its Terms of Reference, the Business Board has authority for approval of human resources policies for non-union administrative staff; and under Section 5.10, authority regarding terms and conditions of employment for unionized administrative staff ... and approval of agreements and changes to agreements outside the Labour Relations Act with respect to terms and conditions of employment, subject to any limitations established by law or contract.

GOVERNANCE PATH:

- 1. Business Board [for approval] (June 20, 2023)**

PREVIOUS ACTION TAKEN:

n/a

HIGHLIGHTS:

Over the past year, the Division of People Strategy, Equity & Culture has been developing a new *Policy on Conflicts of Interest - Administrative Staff*.

The University’s Conflict of Interest Policies and Guidelines exist to offer direction and guidance on what constitutes a conflict of interest in the context of the University and how to

manage these situations. The new *Policy on Conflicts of Interest – Administrative Staff* will clarify expectations and obligations for administrative staff and their managers in terms of how to manage conflicts of interest and perceived conflicts of interest.

Currently, conflict of interest is addressed separately in each of the following staff-related policies: *Policies for Professional and Managerial Staff*; *Policies for Senior Research Associates and Research Associates (Limited Term)*; and *Policies for Confidentials*.

Some staff groups are not explicitly covered by any policy. This approach is inconsistent with the existing *Policy on Conflict of Interest - Academic Staff* and *Policy on Conflict of Interest - Librarians*, which are standalone policies that cover all members of each of those employee groups. The new *Policy on Conflict of Interest – Administrative Staff* applies to all administrative staff, unionized or non-union. This will ensure that administrative staff have a consistent framework and understanding of Conflict of Interest and Perceived Conflict of Interest.

The proposed Policy includes a contextual preamble, scope of application, definitions of key terms, including distinguishing between actual and perceived conflicts of interest, the obligations of staff and managers, and the following additional provisions:

- No reprisals
- Confidentiality
- Potential consequences for violation and process for reviewing decisions

The concept of Perceived Conflict of Interest has not been explicitly defined in the previous Policies, though such perceived conflicts have been previously managed in the same way as actual conflicts of interest. The proposed new Policy aligns with the existing policies for Academic Staff and Librarians in key ways, while also addressing conflicts of interest as they particularly pertain to administrative staff.

To provide additional information and details on how to implement the new Policy, a *Human Resources Guideline on Conflict of Interest – Administrative Staff* is being developed. This Guideline will clarify the responsibilities of each party in managing conflicts of interest and provide examples of various types of conflict of interest and perceived conflicts of interest. A *Conflict of Interest Management Plan* will also be part of the formal process of dealing with conflicts and perceived conflicts, and an online form will be created to facilitate declarations of conflicts of interest.

In developing this new Policy, the Division of People Strategy, Equity & Culture has collaborated with the Provost's Office and ensured opportunities for feedback throughout the process, including consultation with tri-campus CAOs and HR Directors, Labour Relations, Tri-Campus Vice-Presidents, Principals, Deans, Academic Directors and Chairs, and the Provostial Advisory Group.

Along with this new Policy, we are bringing forward the corresponding amendments to remove sections that refer to conflict of interest in the *Policies for Professional and Managerial Staff*, *Policies for Senior Research Associates and Research Associates (Limited Term)*, and *Policies*

for Confidentials, so that they may refer to this omnibus Policy going forward.

RECOMMENDATION:

Be It Resolved:

THAT the proposed new *Policy on Conflicts of Interest – Administrative Staff* be approved, effective July 1, 2023.

DOCUMENTATION PROVIDED:

- Proposed *Policy on Conflicts of Interest – Administrative Staff*



UNIVERSITY OF TORONTO GOVERNING COUNCIL

Policy on Conflicts of Interest – Administrative Staff

Approval Date	June 20, 2023
Approving Authority	Business Board
Effective Date	July 1, 2023
Responsible Office	Office of People Strategy, Equity & Culture

PURPOSE

Administrative staff of the University of Toronto (the “**University**”) are fundamental to the operation of the University and the realization of its commitment to the pursuit of truth, the advancement of learning, and the dissemination of knowledge.

Administrative staff may also engage in personal or professional activities from time-to-time that result in the staff member’s interests coming into conflict with—or *appearing* to come into conflict with—those of the University. Staff members have an obligation to perform their duties and responsibilities in a way that is consistent with the University’s best interests.

The purpose of this Policy is to set out what constitutes a conflict of interest, assist administrative staff in recognizing and disclosing a conflict of interest, and establish a process to manage and respond to a conflict of interest.

APPLICATION/SCOPE

This Policy applies to all administrative staff members employed by the University, including employees represented and not represented by a union, and both casual and staff-appointed employees (*i.e.*, all University employees, save and except faculty members and librarians who are subject to the *Policy on Conflict of Interest – Academic Staff* and *Policy on Conflict of Interest – Librarians*, respectively).

This Policy will be interpreted in accordance with all applicable laws, including but not limited to the Ontario *Human Rights Code*.

DEFINITIONS

Conflict of Interest: A potential or actual conflict between a staff member's non-University interest (or the interests of a Related Person or Related Business) and the staff member's duties and responsibilities as an employee of the University.

Perceived Conflict of Interest: A reasonable perception of a conflict between a staff member's non-University interest (or the interests of a Related Person or Related Business) and the staff member's duties and responsibilities as an employee of the University, [even if the staff member does not actually exercise influence or decision-making authority that would constitute a Conflict of Interest.](#)

Related Business: Any business or organization in which a staff member or Related Person:

- a) has a financial interest;
- b) acts as trustee, director, or officer; or
- c) occupies a position as an employee or agent of the business or organization, or otherwise has responsibility for a segment of the operation or management of the business or organization.

Related Person: Any person with whom a staff member is engaged (or has recently been engaged) in a familial, intimate, sexual, or otherwise close personal relationship that gives rise to a reasonable apprehension of bias or favouritism. For clarity, bias or favouritism in the workplace between a staff member and a Related Person (i.e., nepotism) may amount to a Conflict of Interest or a Perceived Conflict of Interest.

Serious Financial Improprieties: As defined in the University's [Reporting Incidents of Suspected Financial Impropriety Procedure](#)

POLICY

PROCEDURES AND OBLIGATIONS

Staff Member Obligations

1. A staff member is prohibited from engaging in a Conflict of Interest or a Perceived Conflict of Interest.
2. A staff member has an obligation to self-disclose, in writing, any situation that could reasonably give rise to a Conflict of Interest or Perceived Conflict of Interest to their direct manager as soon as the situation arises. Without limiting the generality of the foregoing, a staff member is specifically required to disclose any situation involving nepotism or the potential for nepotism. If the manager is implicated, a report should be made to the person at the next higher level of authority.

3. In cases involving Serious Financial Improprieties, staff members should also follow the University's Reporting Incidents of Suspected Financial Impropriety Procedure, which details the University's protocol for responding to allegations of financial impropriety, including procedures for individual staff members.

Manager Obligations

1. A manager has an obligation to carefully review this Policy and any related Human Resources Guidelines, and to communicate all applicable requirements, on an annual basis, to any staff members that report to them.
2. A manager is obligated to identify Conflicts of Interest, Perceived Conflicts of Interest, and situations that could reasonably give rise to a Conflict of Interest or Perceived Conflict of Interest with respect to the staff members who report to them.
3. A manager (in consultation with Human Resources) shall investigate the disclosure or identification of a situation to determine whether a Conflict of Interest or Perceived Conflict of Interest exists.
4. If a manager (in consultation with Human Resources) concludes that the situation gives rise to a Conflict of Interest, the Conflict of Interest must be resolved and the manager will set out the steps required to eliminate the Conflict of Interest.
5. If a manager (in consultation with Human Resources) concludes that a Conflict of Interest does not arise, but a Perceived Conflict of Interest is present, the manager shall make one of the following determinations:
 - a. approve the circumstances giving rise to a Perceived Conflict of Interest with or without conditions; or
 - b. not approve the circumstances giving rise to the Perceived Conflict of Interest and set out the steps required to eliminate the Perceived Conflict of Interest.
6. The decision of a manager with respect to paragraphs 7 and 8, above, will be in writing and the written decision will be communicated to the staff member.

Reprisal

There will be no reprisals against any person who, in good faith, acts in accordance with this Policy or seeks the enforcement of this Policy.

Confidentiality

All information about a staff member gathered under this Policy will be held in strict confidence and not divulged to any other person, except as required by law or by this

Policy, or as needed to investigate, resolve, and/or manage a Conflict of Interest or Perceived Conflict of Interest.

Violations

A staff member who fails to abide by this Policy (including the failure to make a self-disclosure required by this Policy) may be subject to discipline up to and including termination for cause.

Review of Decisions

If a staff member is unsatisfied with a manager's decision regarding a Conflict of Interest or Perceived Conflict of Interest, the available channels for review will depend on that staff member's relationship with the University. For example, a unionized or confidential staff member may file a grievance in accordance with the applicable collective agreement and/or employment policy. Staff members in the professional/managerial or research associate groups may use the applicable Problem Resolution policies.

ASSOCIATED GUIDELINES/PROCEDURES

- *Statement on Conflict of Interest and Conflict of Commitment*
- *Guideline on Conflicts of Interest – Administrative Staff*
- *Reporting Incidents of Suspected Financial Impropriety Procedure*
- *Policies for Professionals and Managerial Staff*
- *Policies for Senior Research Associates and Research Associates*
- *Policies for Confidential Staff*
- *Policy on Sexual Violence and Sexual Harassment*
- *Collective Agreements*
- *Procurement Policy*

RELATED DOCUMENTS

N/A

Should a link fail, please contact governing.council@utoronto.ca.

REVISION HISTORY AND UPDATES

Date	Description of Change
<i>TBD</i>	New Policy

