



UNIVERSITY OF  
TORONTO

# HUMAN RESOURCES GUIDELINE ON CONFLICT OF INTEREST —ADMINISTRATIVE STAFF

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*This Guideline supplements the [Policy on Conflicts of Interest – Administrative Staff](#) (the “**Policy**”), and provides additional information to assist administrative staff members and managers in identifying and resolving Conflicts of Interest and Perceived Conflicts of Interest. This Guideline applies to all employees of the University of Toronto, 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.*



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# 1 | DEFINITIONS

The definitions used in the *Policy* are adopted and used in this Guideline. Those definitions, together with any additional defined phrases, are set out below:

## **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.

## **GIFTS:**

Gifts include articles of value, services, favours, travel, accommodation, extravagant meals, event admissions, use of property or facilities, or anything else of more than a nominal value from a party with whom the University may transact business, given for the purposes of (or that may be perceived to be for the purposes of) influencing an act or decision of the University. "Gifts" do not include items of nominal value, token courtesies, or circumstances where a reasonable person would not believe that a staff member would be influenced to make a decision on behalf of the University in an external organization's favour.

## **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 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) will amount to a Conflict of Interest or Perceived Conflict of Interest.

## **SERIOUS FINANCIAL IMPROPRIETIES:**

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

# 2

## RESPONSIBILITIES IN MANAGING CONFLICTS OF INTEREST

### EMPLOYEES:

- Review the *Policy* and this Guideline;
- Disclose, in writing, any situation that could reasonably give rise to a Conflict of Interest or Perceived Conflict of Interest, by completing [the appropriate declaration form](#) (i.e., Conflict of Interest Management Plan) that is available through the University's HR Service Centre;
- Engage with managers and Divisional HR offices, as appropriate in the circumstances, in the development and implementation of Conflict of Interest Management Plans (COIMPs);
- Promptly advise managers, in writing, of any changes in circumstances related to any previous declarations or COIMPs.

### MANAGERS:

- Ensure that employees are made aware of their responsibilities related to Conflicts of Interest and Perceived Conflicts of Interest under the *Policy*;
- Review and investigate Conflicts of Interest or Perceived Conflict of Interest that have been disclosed by a staff member or otherwise identified;
- Decide whether a Conflict of Interest or Perceived Conflict of Interest exists, and identify steps required to eliminate or otherwise resolve the issue;
- Engage with employees and Divisional HR offices, as appropriate in the circumstances, in the development and implementation of COIMPs; and
- Work with employees and Divisional HR offices to regularly review declarations and COIMPs to determine whether the underlying circumstances have changed.

### HUMAN RESOURCES:

- Provide advice and guidance to managers and employees regarding Conflicts of Interest and Perceived Conflicts of Interest under the *Policy*;
- Work with managers and employees on the development of COIMPs; and
- Work with managers to regularly review declarations and COIMPs to determine whether the underlying circumstances have changed.

# 3

## EXAMPLES OF CONFLICTS OF INTEREST AND PERCEIVED CONFLICTS OF INTEREST

The *Policy* prohibits a staff member from engaging in a Conflict of Interest or a Perceived Conflict of Interest. The following is a non-exhaustive list of examples that, depending on the specific circumstances, could amount to a prohibited activity under the *Policy*.

### OUTSIDE ACTIVITIES

- Engaging in an outside business, volunteer, or employment activity that is in direct competition with a service or activity performed by the University;
- Engaging in an outside business, volunteer, or employment activity that is in indirect competition with a service or activity performed by the University, such that a reasonable person, viewing the matter realistically and practically, would think the employee could be influenced in the performance of their duties and responsibilities as an employee of the University by considerations related to the employee's private interests;
- Performing non-University work during an employee's work hours at the University; or
- Receiving payment, from a source outside the University, for work that is part of the employee's duties and responsibilities as an employee of the University.

### USE OF UNIVERSITY RESOURCES

- Using University resources (e.g., equipment, supplies, services, or facilities) for the employee's personal benefit, or for the benefit a Related Person or Related Business, except the reasonable use thereof in accordance with the University's guideline on [Appropriate Use of Information and Communication Technology](#);
- Directing students or other employees of the University to carry out work for personal benefit, or for the benefit of a Related Person or Related Business;
- Using intellectual property acquired or developed using University resources (e.g., software tools or programs, or specialized pieces of equipment developed in the course of employment) for personal benefit, or for the benefit of a Related Person or Related Business; or
- Using confidential information acquired as a result of a University position for personal benefit, or for the benefit of a Related Person or Related Business.

### USE OF UNIVERSITY POSITION

- Entering into, or influencing the entering into of, any form of contract (e.g., research or commercial) or transaction between the University and a Related Person or Related Business; or
- Purchasing, or influencing the purchase of, equipment, materials, or services for the University from a Related Person or Related Business.

### ACCEPTANCE OF GIFTS

- Accepting a Gift, as defined in this Guideline.

## RELATIONSHIPS WITH RELATED PERSONS AND/OR NEPOTISM

- Participating in or influencing the outcome of the appointment, hiring, or promotion of a Related Person;
- Directly supervising or evaluating a Related Person;
- Indirectly influencing the supervision or evaluation of a Related Person;
- Directly or indirectly adjusting or influencing the provision of compensation, benefits, or perquisites to a Related Person; or
- Engaging in activities that could lead to an intimate, sexual, or otherwise close personal relationship that gives rise to a reasonable apprehension of bias or favouritism.

## CONFLICT OF COMMITMENT

- Engaging in external activities or commitments, paid or unpaid, which may interfere with the ability to perform some or all of the employee's duties and responsibilities as an employee of the University.

## OFF-DUTY CONDUCT

- Engaging in an act or omission during non-working hours that detrimentally affects the University's reputation (or has a reasonable potential to do so), renders the employee unable to properly discharge their duties and responsibilities as an employee of the University, or inhibits the University's ability to effectively manage and direct the workplace.

## SEXUAL OR INTIMATE RELATIONSHIPS WITH STUDENTS

- Staff members are strictly prohibited from, and must avoid, engaging in sexual or intimate relationships with students that amount to a Conflict of Interest or Perceived Conflict of Interest. Such conduct may result in disciplinary measures up to and including termination of employment.
- The following is a non-exhaustive list of activities that may give rise to a Conflict of Interest or Perceived Conflict of Interest involving a student: acting as the student's supervisor; acting as the student's mentor (formally or informally); grading the student's work; providing the student with a reference letter; serving on a selection committee where the student is under consideration; participating in any other decisions that might impact the student's career or academic outcomes.



# 4 | MANAGING CONFLICTS OF INTEREST AND PERCEIVED CONFLICTS OF INTEREST

**Under the *Policy*, managers are responsible (in consultation with human resources) for (i) deciding whether a particular situation constitutes a Conflict of Interest or Perceived Conflict of Interest, and (ii) identifying steps that must be taken to eliminate or otherwise resolve the issue.**

To help facilitate and formalize the development and implementation of a plan to eliminate or otherwise resolve a Conflict of Interest or Perceived Conflict of Interest, it is expected that managers, Divisional HR offices, and employees will work together to complete a Conflict of Interest Management Plan (COIMP). The COIMP will include the following information:

- i. the names of all individuals and/or units involved in the disclosed activity or activities;
- ii. a description of the activity, or activities, giving rise to the Conflict of Interest or Perceived Conflict of Interest; and
- iii. a description of the steps that are required to eliminate or otherwise resolve the issue.

[The COIMP can be accessed through the HR Service Centre.](#)

Please note that staff members may be participating in multiple activities that require disclosure under the Policy and constitute Conflicts of Interest or Perceived Conflicts of Interest. Depending on the circumstances, a separate declaration and COIMP may be required for each activity.

Managers and Divisional HR offices will periodically review the implemented COIMPs to determine whether adjustments to the plan(s) must be made.

If a Conflict of Interest or Perceived Conflict of Interest cannot be eliminated or otherwise resolved, the employee will be advised in writing that they cannot participate in the conflicting activities.

The steps required to eliminate, or otherwise resolve, a Conflict of Interest or Perceived Conflict of Interest will depend on the specific circumstances. Below is a **non-exhaustive list** of strategies that managers (in consultation with human resources) may consider:

- Employee is directed to stop engaging in particular activities;
- Employee is removed from involvement in applicable decision-making processes (e.g., no involvement in the hiring of a Related Person);
- Employee's access to particular information is restricted;
- Employee is directed to repay a Gift or other benefit;
- Employee's responsibility for certain decisions (e.g., contracting, resource allocation, etc) is transferred to another employee;
- Review is conducted of a hiring, contracting, or procurement process, where the outcome could have been impacted by a Conflict of Interest or Perceived Conflict of Interest; and
- Employee is provided with guidance and education.

If circumstances giving rise to a Conflict of Interest or Perceived Conflict of Interest change over time (e.g., new incumbent in the manager role), strategies that were previously identified and put into place must be reviewed to ensure that they are still appropriate in the circumstances.



# 5 | RELATED POLICIES & GUIDELINES

- [Statement on Conflict of Interest and Conflict of Commitment](#)
- [Policy 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](#)