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## Code of Conduct for Members of the University Community

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### **Purpose**

The reputation of Athabasca University is fundamental to its success. Guided by the University values of integrity and respect, the University expects Members of the University Community to conduct themselves and adhere to the highest ethical standards, including honesty, fair dealing, diligence, prudence and accountability in the engagement of University activities and the use of University resources. Adherence to such standards not only serves to further the reputation of the University, it provides an essential foundation for excellence in education, and is vital to the development and maintenance of an environment in which Members are proud to be a part of.

This *Code of Conduct for Members of the University Community* (the “Code”) informs existing policies and procedures and is intended to:

- Outline general principles intended to govern the conduct of Members of the University Community and to provide overall guidance in matters of conduct;
- Protect the interests and reputation of Athabasca University and Members of the University Community by establishing basic principles respecting the recognition, reporting and management of Conflicts of Interest that reflects the ethical accountability the public expects and deserves from a publicly funded institution;
- Outline the procedure for reporting Conflicts of Interest, for assessing Conflicts of Interest, for developing Plans to manage Conflicts of Interest, and for appeals regarding assessments that a Conflict of Interest exists or of the Plan to manage a Conflict of Interest; and
- Indicate the University’s process for receiving, investigating, and responding to allegations or findings of a breach of this Code.

### **Definitions**

<b>Board</b>	The Governors of Athabasca University.
<b>CHRO</b>	The Chief Human Resource Officer.
<b>Close Relative</b>	A spouse, adult interdependent partner (as defined in the <i>Adult Interdependent Relationship Act</i> ), parent, brother, sister, child by birth or adoption, aunt and uncle of a Member, and the child or spouse of any of them.
<b>Code</b>	This Code of Conduct.



**Conflict of Commitment**

A situation in which a Member engages in activities external to those they undertake on behalf of the University which are so substantial or demanding of the Member's time and attention that they adversely affect the discharge of the Member's responsibilities to the University.

**Conflict of Interest**

“**Conflict of Interest**” is divided into and includes each of the following categories:

- a. An **actual conflict of interest** refers to a situation where a Member exercises power or performs a duty or responsibility, and in so doing, there is an opportunity to further their Private Interest, or there is a conflict with the Member's Private Duty;
- b. A **potential conflict of interest** refers to a situation where a Private Interest or Private Duty of a Member *could* influence the exercise of the Member's power or performance of their duties or responsibilities as a Member; and
- c. A **perceived conflict of interest** refers to a situation where informed people *may* reasonably hold the apprehension that a conflict of interest exists on the part of a Member in relation to a Private Interest or Private Duty.

**Conflict Review Officer**

The holder of the position or office to whom the Reporting Officer reports (or another person designated to fulfill that role).

**Corporation**

Any incorporated association, no matter where or how constituted or incorporated, whether a business or not-for-profit corporation, but not a partnership, trust or estate.

**Disclosure**

The act of, disclosing an actual, perceived, or potential Conflict of Interest.

**Disclosure Report**

A report prepared and submitted by a Member disclosing the existence or non-existence of a Conflict of Interest in the form prescribed by this Code.

**Executive**

A Member of the University Executive including the President, Provosts, Vice-Presidents, Associate Vice Presidents, the University Secretary and the Chief Human Resource Officer.

**Member**

Member of the University Community



<b>Non-University Activity</b>	Any activity outside the Member's scope of work and responsibility with the University.
<b>Plan</b>	A plan as to how a Conflict of Interest will be managed, which is developed and approved in accordance with this Code.
<b>Potential Member</b>	A person external to the University who has been offered a contract to engage with the University in either employment, contract, or volunteer work.
<b>Protected Disclosure</b>	A report of wrongdoing made pursuant to the University Protected Disclosure (Whistleblower) Procedure (Schedule 'A')
<b>President</b>	The individual as constituted in the <i>Post-secondary Learning Act</i> and the Athabasca University Regulation and appointed by the Board to serve as President, Interim President, or Acting President of the University. The President is the "chief executive officer" of the University as well as a "senior official" and a "designated senior official" for the purposes of the <i>Conflicts of Interest Act</i> sections 23.92(1)(b), 23.92(1)(k) and 23.92(1)(d) respectively and as designated by Order in Council 085/2018 of the Lieutenant Governor in Council of Alberta.
<b>Private Duty</b>	Means a duty that a Member owes to someone other than the University.
<b>Private Interest</b>	Means a pecuniary or economic interest or advantage and includes and real or tangible benefit that personally benefits the Member, their associate, or a Related Person to the Member.
<b>Related Person</b>	Means: <ul style="list-style-type: none"><li>a. a Close Relative;</li><li>b. a Corporation of which the Member or Close Relative of the Member is a director or officer or has direct or indirect material ownership, control, or direction of securities;</li><li>c. a partnership of which the Member or a Close Relative of the Member is a partner, other than a limited partnership in which any such person is a limited partner;</li><li>d. a trust or estate in which the Member or a Close Relative of the Member serves as a trustee or in a similar capacity or has a beneficial interest</li></ul>



<b>Reporting Officer</b>	For any Member, the holder of the position or office to whom the Member reports, or who has managerial responsibility over the Member (or another person designated to fulfill that role).
<b>University</b>	Athabasca University
<b>University Community</b>	Persons who are employees of the University, including members of the executive, managerial, academic, professional and support staff of Athabasca University whether employed full time, part time, casually, on a continuous basis or fixed term. For the purposes of this Code, Board Members, volunteers, and contractors are not considered Members of the University Community. Those persons are directed to their respective codes of conduct and/or engagement documents.

## **Application**

- 1.0 This Code applies to all Members of the University Community, including the President when acting in their capacity as an employee or as a senior official or designated senior official pursuant to the *Conflicts of Interest Act*. For greater certainty, this Code does not apply to:
  - 1.1 Members of the Board of Governors for Athabasca University when acting as a Board Member as defined in the *Code of Conduct and Conflict of Interest Guidelines for the Board of Governors* (the “Board Code”);
  - 1.2 Volunteers and contractors. These individuals are subject to other University policies, procedures, and codes of conduct;
  - 1.3 Students of the University, other than when acting as an employee of the University. Student conduct is governed by appropriate University policies and procedures including the [Student Code of Conduct](#).
- 2.0 This Code does not undermine or supersede the principles of intellectual and academic freedom and freedom of expression. It acknowledges the centrality of intellectual, professional and academic freedom, debate and dissent to University culture. These rights are linked to the responsibilities of University staff and students to support the role of the University as a place of independent learning and thought where ideas may be put forward and opinions expressed freely. At the same time, this Code emphasizes that academic freedom imposes responsibilities upon the University Community; Members are expected to use this freedom in a manner consistent with a responsible and honest search for and dissemination of knowledge and truth.
- 3.0 Some Members may have obligations under both this Code and the Board Code. For these Members, they are governed by this Code except when acting as a Board Member as defined under the Board Code. A Member who is uncertain which code applies to a given situation should contact the Board Chair.



- 4.0 This Code is not intended to supersede any collective agreement or legislation. Where this Code provides a standard or procedure inconsistent with one of those documents, the other document will prevail to the extent necessary to resolve the inconsistency.

### **Standards of Behaviour for Members of the University Community**

- 5.0 Members are expected to respect and maintain the highest standards of professional and ethical conduct. In exercising their powers and discharging their duties to the University, Members must act honestly, impartially, and in good faith with a view to the best interests of the University and exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances. In conducting University business, Members must respect and comply with the relevant laws and regulations of Alberta and Canada and other jurisdictions in which the University conducts business, as well as with applicable University policies, procedures, collective agreements and legislation.
- 6.0 Members must not act in self-interest or further their private interests by virtue of their position or through the carrying out of their duties.
- 7.0 Members are expected to seek guidance in any case where there is a question about compliance with both the letter and spirit of this Code or other University policies, procedures, collective agreements or legislation.
- 8.0 The University is committed to providing a learning and working environment that is free of harassment or discrimination, and is supportive of productivity, academic achievement, and the dignity, self-esteem and fair treatment of all of its Members. Members of the University Community are expected to:
- (a) not discriminate against persons on prohibited grounds (as protected in accordance with the Alberta *Human Rights Act* and Alberta Employment Standards legislation) such as race, religious beliefs, colour, gender, sexual orientation, physical or mental disability, age, ancestry, place of origin, marital status, source of income or family status;
  - (b) promote a high standard of respect for and treat all students, Members, and the general community with courtesy, respect, and fairness;
  - (c) not engage in behaviour which may reasonably be perceived as harassment as defined in the [Harassment Policy](#);
  - (d) have respect for cultural differences;
  - (e) observe procedural fairness when engaged in decision-making; and
  - (f) respect the privacy of others in the collection, use and disclosure of personal information while performing University duties or activities in accordance with the Alberta *Freedom of Information and Protection of Privacy Act* and any other applicable legislation.
- 9.0 Members must maintain the confidentiality of protected information to which they have access by virtue of their relationship with the University.
- 9.1 Protected information means information disclosed to, used by, developed by in the course of employment or contract with the University, which is not



generally known outside the University and includes information heard, created or accumulated by Members. Information must be used or reviewed on a strict need-to-know basis solely in the performance and scope of the contract or job responsibilities and must not be disclosed to any person, or entity not expressly authorized by the University to receive it, both during employment and beyond. Protected information includes, but is not limited to: personal information as covered by the *Alberta Freedom of Information and Protection of Privacy Act*, student information (e.g., enrollment, student personal information, grades, assignments, essays, research), prospective student information, financials, business plans, operational plans, research results, and legal briefs. Furthermore, Members must not, except as required by law, either during the term of employment with the University or anytime thereafter, directly or indirectly, by any means whatsoever, divulge, furnish, provide access to, or use for any purpose other than the purposes of the University, and without implied consent.

- 10.0 Members have an obligation to protect the University's resources and assets and ensure that University resources are not wasted, abused or used improperly or extravagantly. The University's resources and assets, including, but not limited to, physical assets, software, communication systems, paid working time, and information must not be used for inappropriate or illegal purposes. University resources are to be managed effectively and efficiently, with due attention to the principle of moral hazard.
- 11.0 Members are prohibited from the following, subject to any exceptions in this Code or a collective agreement:
- (a) taking for themselves directly or indirectly opportunities that properly belong to the University or which are discovered through the use of the University's property, information or position;
  - (b) using the University's property, information or position for personal gain or self-aggrandizement; or
  - (c) competing with the University.
- 12.0 Members must not take unfair advantage of anyone through manipulation, concealment, abuse of protected information, misrepresentation of material facts or any other unfair-dealing practice.
- 13.0 The University acknowledges the inclusion of family members within the University Community. When an offer of employment is extended to a Potential Member, the Potential Member must disclose the familial relationship to the Hiring Manager and/or Human Resources and the Member must disclose the familial relationship to the Member's Reporting Officer. At no time will a family member report into another family member.
- 14.0 The University's accounting records are relied upon to produce reports for the University's management, students, creditors, government agencies, external auditors and the community in general. The financial statements and the records on which they are based must accurately reflect all transactions and conform to all legal and accounting requirements and internal controls.



- 15.0 Honest and accurate recording and reporting of information is critical to the ability of the University to fulfill its mandate and are relied upon to produce various reports. Members must understand that, because the University is a publicly-funded institution, its records and communications of all types are subject to *Freedom of Information* requests and may become public through legal, regulatory or media investigation. Exaggeration, derogatory remarks, legal conclusions or inappropriate characterizations of people and organizations must be avoided. This applies to communications of all kinds, including email and informal notes or interoffice memos. Records are to be retained and destroyed in accordance with the University's [Records Management Policy](#).
- 16.0 Members have a responsibility to perform their duties to the best of their ability and to carry out duties in a professional manner. They should seek to achieve high standards in administration, teaching, research and community service and actively consider the health and safety of themselves and others when carrying out their duties.
- 17.0 The University recognizes that Members have the right to associate with political parties and engage in political activities. However, Members who choose to do so must do so as a private citizen and not as a Member of the University Community. In addition, Members must maintain impartiality, and must not engage in solicitation nor bring partisan politics into the University.
- 18.0 It is recognized that Members may sometimes enter into consensual and intimate relationships, including those sexual in nature, with persons who are, or may become, associated with the University, including students. A power imbalance exists when one of the parties to such a relationship is a student's professor, instructor, tutor or otherwise has direct input or decision-making power over a student's academic progress, or where one Member has direct input or decision-making power over the work performance, promotion, classification or compensation of another Member (the "subordinate member"). Accordingly, no Member may enter into any intimate relationship with a student or a subordinate member in those circumstances. This prohibition applies even where it is the student or subordinate member who attempts to initiate the intimate relationship.
- 19.0 Where an existing intimate relationship exists or has existed in the previous year between a Member and a student of the University and the student enrolls in a course or program which would make the Member their professor, instructor, tutor, or otherwise give the Member direct input or decision-making power over that student's academic progress, the Member must disclose the relationship or past relationship as a Conflict of Interest in accordance with this Code and steps must be taken to ensure the Member has no direct input or decision-making power over that student's academic progress.
- 20.0 Where an existing intimate relationship exists or has existed in the previous year between a Member and another person who is or becomes Member and a change occurs by which one Member would have direct input or decision-making power over the work performance, promotion, classification or compensation of another Member (the "subordinate member") the Member must disclose the relationship or past relationship as a Conflict of Interest in accordance with this Code and steps must be taken to ensure the Member has no direct input or decision-making power over that subordinate member's work performance, promotion, classification or compensation.
- 21.0 The requirement to understand and comply with the standards and behaviours set forth in the Code is a condition of employment. Conduct which falls below the standards outlined





in this Code, or otherwise is a breach of the Member's obligations, may result in discipline up to and including termination. The procedure for reporting and responding to complaints of a breach is located in the Breaches of the Code of Conduct section (starting on Page 21).

### **Obligations Respecting Concurrent Activities**

- 22.0 Members may not hold a concurrent appointment, employment or self-employment or be engaged in another business or undertaking other than their position with the University (collectively called "concurrent activity"), unless the concurrent activity is:
- 22.1 reported and approved in accordance with the Conflict of Interest Procedures in this Code (starting on Page 13) prior to the Member's engagement in the activity;
  - 22.2 pursuant to the terms of the Member's collective agreement (e.g. within the meaning of External Professional Activities); or
  - 22.3 pre-approved as set out in Article 23.
- 23.0 Notwithstanding the obligations in Article 22 above, some situations are considered pre-approved by the University and therefore prior reporting of the concurrent activity is unnecessary unless the activity creates a Conflict of Interest.

The situations which are deemed to be pre-approved by the University are where:

- (a) the concurrent activity is an appointment for which the Member will not receive nor be entitled to receive remuneration;
- (b) the Member is a student of the University and the concurrent activity is in the retail, hospitality, or services industries;
- (c) the Member is an academic staff member who does not hold a full-time position at the University and:
  - i. the Member's position at the University is unpaid;
  - ii. the Member teaches no more than two courses per semester at the University;
  - iii. the concurrent activity is with another post-secondary institution; or
  - iv. the concurrent activity requires the Member to be a member of a specified professional association which has a code of conduct and can discipline members for a breach of their code. The professional association must be one approved by the University's President (or delegate) as listed in Schedule B.





- (d) the University knows at the time of hiring or appointing the Member as an academic staff member to a full-time or part-time position that the Member:
  - i. is being concurrently or jointly hired or appointed to engage in the concurrent activity at another organization; or
  - ii. is already engaged in the concurrent activity at another organization.
- (e) the Member is a non-academic staff member, is not a student, the Member's concurrent activity requires the Member to work no more than 20 hours per week, and those hours are not otherwise scheduled during the Member's normal working hours at the University.
- (f) the Member's concurrent activity is research work for which the Member is receiving income and the research activity is being administered through the University (typically by the Research Centre).
  - i. The requirement for prior reporting and approval applies where a Member's concurrent activity is research work for which the Member is receiving income, the research work is not pursuant to the terms of the Member's collective agreement, and the research work is not being administered through the University.

24.0 Members may refer questions about the permissibility of concurrent activity to the Chief Human Resource Officer (or their delegate).

25.0 Where a Member's concurrent activity was engaged prior to this Code being implemented, the Member must, upon implementation of the Code, report and have approved that concurrent activity in accordance with the Conflict of Interest Procedures in this Code (starting on Page 13).

26.0 Articles 22-23 do not apply to the President, whose obligations in respect of concurrent activity are governed by Article 30 and the *Conflicts of Interest Act*.

### **External Professional Activities in Collective Agreements**

27.0 Members may engage in forms of concurrent activity, such as External Professional Activities, which are specifically contemplated by their collective agreement. If the Member's collective agreement specifies procedures for the concurrent activity, the collective agreement will govern whether and how that activity must be reported and approved. If the Member's collective agreement is silent in respect of the concurrent activity, the provisions of Articles 22-23 of this Code will apply.

28.0 In the event of a discrepancy between the Code's obligations and the terms of the Member's collective agreement with respect to concurrent activities, the collective agreement will govern to the extent necessary to resolve the discrepancy.



28.1 A list of relevant Articles from the University's various collective agreements is provided further below in this Code (starting at Page 23).

### **Special Obligations of the President**

29.0 In addition to their obligations owed as a Member, the President:

- (a) Must not take part in a decision in the course of carrying out their office or powers knowing that the decision might further their own private interest, the private interest of their minor or adult child, or the private interest of any person directly associated with them, pursuant to Section 23.925(1) of the *Conflicts of Interest Act*;
- (b) Must 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 their own private interest, the private interest of their minor child, or the private interest of any person directly associated with them, or to improperly further any other person's private interest, pursuant to Section 23.925(2) of the *Conflicts of Interest Act*;
- (c) Must not use or communicate information not available to the general public that was gained by them in the course of carrying out their office or powers to further or seek to further a private interest of their own, or any other person's private interest, pursuant to Section 23.925(3) of the *Conflicts of Interest Act*; and
- (d) Must not fail to appropriately and adequately disclose an actual, potential or perceived Conflict of Interest in the manner specified in this Code, pursuant to Section 23.925(4) of the *Conflicts of Interest Act*.

30.0 The President may not be involved in any concurrent appointment, business, undertaking, employment, or self-employment other than their position as President (collectively "concurrent activity"), without written approval from the Ethics Commissioner pursuant to section 23.926 the *Conflicts of Interest Act*. The President must first report the concurrent activity in accordance with the Conflicts of Interest procedure in this Code (starting on Page 13) and obtain a determination from the University that the activity is not a conflict or is a manageable conflict, before applying to the Ethics Commissioner for approval.

**TRANSITIONAL:** If the President is continuing under the same contract, agreement, or appointment with the University that was in effect as of December 15, 2017, the obligations specific to the President regarding concurrent activities as described in Article 30 above do not apply to the President until the earlier of:

- a. December 15, 2019, or
- b. The date on which the President renews or extends their agreement, enters into a new agreement, or is re-appointed to continue as the President.



If the President renews, extends, enters a new agreement or is re-appointed as the President on any date after December 15, 2017, the obligations specific to the President regarding concurrent activities apply as of that date, subject to any other time periods required by the *Conflicts of Interest Act*. The President may consult section 23.971 of the *Conflicts of Interest Act* for greater detail on this transitional exception.

31.0 The President, as a designated senior official under the *Conflicts of Interest Act*, has other special obligations. The President must know and meet the obligations of the *Conflicts of Interest Act*. These include, but are not limited to:

**(a) Restrictions on Holdings**

As set out in s. 23.93 of the *Conflicts of Interest Act*, the President must not own or hold a beneficial interest in publicly-traded securities unless held in a blind trust approved by the Ethics Commissioner. Approvals for other investment arrangements or exemptions must be granted in writing by the Ethics Commissioner.

Securities must be managed within 60 days of a person becoming President, the Code's entry into force, or the acquisition of securities by gift or inheritance. The Ethics Commissioner may set out a longer period.

**(b) Disclosure Requirements**

As set out in ss. 23.931 & 23.932 of the *Conflicts of Interest Act*, at a time specified by the Ethics Commissioner, the President must provide to the Ethics Commissioner an annual and full financial disclosure of the President's assets, liabilities, investments, holdings, and other interests.

At a time specified by the Ethics Commissioner, and in a manner and form specified by the Ethics Commissioner, the President must also provide to the Ethics Commissioner a return of the assets, liabilities, investments, holdings and other interests of the President's direct associates: spouses, adult interdependent partners, minor children, and any corporation or partnership that the President, their spouse, or their adult interdependent partner controls.

Within 60 days of the Code coming into force, the President must provide a direct associate return to the Ethics Commissioner.

**(c) Post-Employment Restrictions**

As required by s. 23.937 of the *Conflicts of Interest Act*, for 12 months after the last day they hold their position as President, the President:

- Must not lobby any public office holder, as defined in the *Lobbyists Act*;
- Must not act on a commercial basis or make representations on behalf of Athabasca University;
- Must not make representations to, benefit from, or solicit or accept on their own behalf a contract with departments or public agencies with whom the President had significant dealings with during their work with Athabasca University; and



- Must not accept employment with an individual, organization, board of directors, or equivalent body or organization with whom the President has significant official dealings with during their work with Athabasca University.

The President may apply to the Ethics Commissioner for a waiver or reduction of these time periods.

**TRANSITIONAL:** If the President is continuing under the same contract, agreement, or appointment with the University that was in effect as of April 4, 2018, the obligations of the President as a designated senior official as described in Article 31 above do not apply until the earlier of:

- a. April 4, 2020, or
- b. The date on which the President renews or extends their agreement, enters into a new agreement, or is re-appointed to continue as the President.

If the President renews, extends, enters a new agreement or is re-appointed as the President on any date after April 4, 2018, the obligations as a designated senior apply as of that date, subject to any other time periods required by the *Conflicts of Interest Act*. The President may consult section 23.971 of the *Conflicts of Interest Act* for greater detail on this transitional exception.

## **Conflicts of Interest**

All persons have personal interests, some of which are financial and some of which are non-financial. Those personal interests may be direct, or may arise from the person's relationship with a Related Person. Such personal interests are natural and often facilitate personal and professional growth and development. However, given the obligations that Members have to the University it is inevitable that on occasion, some Members will have personal interests that may reasonably be perceived to be such as to interfere with independence, impartiality, and objectiveness that the Member is obliged to exercise in the performance of the Member's duties on behalf of the University, or with the ability of the Member to act in the best interests of the University. Conflicts of interest are generally divided into the following categories: Actual Conflict of Interest, Potential Conflict of Interest and Perceived Conflict of Interest.

The existence of a Conflict of Interest does not necessarily connote misconduct, or necessarily prevent the involvement of the Member in the situation to which the Conflict of Interest relates. However, to protect the overall interests of the University and the Members themselves it is vital that Conflicts of Interest – whether the conflict is an actual, potential, or perceived Conflict of Interest – be recognized, reported, assessed and appropriately managed. Sometimes on assessment it will be evident that there is in fact no Conflict of Interest. Other times the Conflict of Interest may be managed in a fashion that permits the continued involvement of the Member. Sometimes protection of the reputation and interests of the University and the Member require that the Member have no further involvement in decisions or actions relating to the issue that gives rise to the Conflict of Interest.

On becoming a Member, all Members must provide a written report to the Reporting Officer identifying any circumstances which give rise to a Conflict of Interest involving that Member. The procedure for disclosing Conflicts of Interest is provided below. Members must provide annually updated written reports to the Reporting Officer identifying any circumstances giving rise to a Conflict of Interest involving that Member.



All Members, on becoming aware that they or a Related Person may have a personal or financial interest that could give rise to a Conflict of Interest which has not already been reported, assessed, and managed in accordance with this Code, must immediately provide an updated written report to the appropriate Reporting Officer.

Where a Conflict of Interest has been identified, the Member involved must not carry out or continue the activity giving rise to the Conflict of Interest until the Conflict of Interest has been assessed in accordance with this Code, and approval to proceed has been given to the Member. Approval to proceed may be given where the assessment determines that there is no Conflict of Interest. Where, following assessment, it is determined that a Conflict of Interest exists, approval may nevertheless be given as part of a Plan for management of the Conflict of Interest developed and approved in accordance with this Code. If a Plan has been approved, Members must engage in the activity to which the Conflict of Interest relates only as set out in the Plan.

In the event that a Member disagrees with the assessment of the Reporting Officer as to whether a Conflict of Interest exists, or disagrees with a Plan for management of a Conflict of Interest involving that Member, the Member may appeal the assessment, or the Plan to the Conflict Review Officer in accordance with this Code.

In addressing any Conflict of Commitment involving any Member whose terms and conditions of employment are set out in a collective agreement, the Reporting Officer will refer the conflict to the appropriate Executive Officer to be addressed in accordance with the collective agreement.

Conflicts of Interest in Research may be addressed in accordance with the University's *Conflict of Interest in Research Policy and the Ethical Conduct for Research involving Humans Policy*.

Conflicts of Interest of members of the Board or a committee of the Board acting in that capacity will be addressed in accordance with the *Code of Conduct and Conflict of Interest Guidelines for the Board of Governors* rather than under this Code. Where those members are also Members in other capacities, they must follow this Code in regard to Conflicts of Interest that are not connected with their role on the Board.

Failure to report or disclose conflicts as required is treated in the same manner as other breaches of the Code and may result in discipline up to and including termination. The University's procedures for receiving, investigating, and responding to complaints is found in the Breaches of the Code of Conduct section (starting on Page 21).

## **Conflicts of Interest Procedure**

### **1. Recognizing Conflicts of Interest**

It is impossible to come up with an exhaustive list of all possible circumstances which may give rise to a Conflict of Interest. Rather, Members must conduct themselves at all times with the highest ethical standards in a manner that will bear the closest scrutiny. The following are examples of situations in which a Conflict of Interest exists:

- Where a Member has concurrent involvement in an appointment, business, undertaking, employment or self-employment other than their position with the University, and that concurrent activity is not pursuant to the terms of a collective agreement (see Articles 22-28);



- Where a Member receives monetary or other payments (other than normal salary, benefits and expenses) that would not have been offered but for the Member's relationship with the University.
- Where a Member has or has had a close or intimate personal relationship with a student, the Member's ability to instruct and evaluate the student in a fair, unbiased and effective manner could be impaired or compromised. An inherent power imbalance exists between Members and Students which must not be used for personal benefit.
- Where a Member or a Related Person has a financial interest in the Member's teaching or other activities on behalf of the University, other than salary, benefits, or other contractual compensation flowing to the Member.
- Where a Member has influence over a decision by or on behalf of the University in respect to a decision to purchase services or goods from a Related Person.
- Where a Member is in a position to influence Human Resources decisions (including but not limited to decisions about recruitment, offers of employment, performance evaluation, promotion, granting of tenure, discipline or termination of employment) in respect of a Related Person.
- Where a Member uses their position with the University to solicit students, other Members, government agencies, private companies or members of the public for Non-University Activities including employing students or other Members in a personal or commercial matter.
- Where a Member uses information acquired as a result of their relationship with the University which is not in the public domain for personal benefit (unless the Member has proprietary rights to that information).
- Where a Member uses the name or insignia of the University or any of its offices or organizations, in any Non-University Activity in any manner that explicitly or implicitly purports that the Member represents the University or speaks for the University in regard to that Non-University Activity.
- Where a Member uses the premises, facilities, property or services of the University to promote or serve the interests of a Related Person.
- Where a Member accepts any material or financial benefit from any person or organization for using the Member's position with the University to favour or promote that person or organization.
- Where the Member has a Conflict of Commitment.

Where a Member is uncertain as to whether a given situation constitutes a Conflict of Interest which must be reported the Member must seek guidance from the Member's Reporting Officer.

## **2. Disclosure of Conflicts of Interest (Actual, Potential, and Perceived)**

All Members must, at the time of hire, provide Human Resources with a completed Conflict of Interest Disclosure Report. A copy of the Conflict of Interest Disclosure Report is to be forwarded to the Reporting Officer.

All Members must indicate in writing that they have read and are in compliance with the Conflict



of Interest provisions in this Code, either at the time of their annual performance appraisal or at such other time as they may be directed by their Reporting Officer. If there is a Conflict of Interest or a Potential Conflict, the Member must provide their Reporting Officer with a completed Conflict of Interest Disclosure Report. A copy of the Conflict of Interest Disclosure Report is to be forwarded to Human Resources.

All Members on becoming aware that they or a Related Person may have a personal or financial interest that could give rise to a Conflict of Interest which has not already been reported, assessed and managed in accordance with this Code must immediately provide an updated Conflict of Interest Disclosure Report to their Reporting Officer.

### **3. Conduct Pending Assessment**

Where a Member's Conflict of Interest Disclosure Report identifies a Conflict of Interest which has not previously been reported, assessed and managed in accordance with this Code, the Member must not carry out the activity giving rise to the Conflict of Interest or Potential Conflict until the Conflict of Interest has been assessed and approval to proceed has been given to the Member.

On being advised by the Reporting Officer that on assessment of the Conflict of Interest Disclosure Report it has been determined that no Conflict of Interest exists, the Member may proceed to carry out their functions in the usual course.

On being advised by the Reporting Officer that on assessment of the Conflict of Interest Disclosure Report it has been determined that a Conflict of Interest exists, the Member will consult with the Reporting Officer regarding possible methods of managing the conflict, and will engage in activities in respect to which the Conflict of Interest exists only as may be set out in the Plan for management of the Conflict of Interest that is established by the Reporting Officer. If it is determined that the Conflict of Interest is not manageable, the Member must immediately end or resolve the Conflict of Interest or resign from their employment with the University.

### **4. Reporting Officers, Assessments and Plans**

Ordinarily, Reporting Officers will be determined by reference to the definition set out in this Code. If it is necessary or appropriate for any reason (including but not limited to Conflict of Interest on the part of the usual Reporting Officer) to designate a different Reporting Officer for a Member, the responsible Executive Officer of the University will determine who will serve as that Member's Reporting Officer, and the Member will be advised, in writing, as to who will be their designated Reporting Officer. The Reporting Officer for the President will be the Board Chair.

Reporting Officers are responsible for:

- a) Ensuring that on the engagement of a new Member, the new Member receives a copy of this Code and that that new Member provides a completed Conflict of Interest Disclosure Report.
- b) Ensuring that each Member for whom they are the Reporting Officer provides them with an updated Conflict of Interest Disclosure Report annually. For Members who are employees that will ordinarily be provided in conjunction with the Member's annual performance appraisal, though where appropriate the Reporting Officer may direct the Member to submit an updated Conflict of Interest Disclosure Report at different times so as to ensure updated Conflict of Interest Disclosure Reports are





received at least annually.

- c) Reviewing, considering and assessing all Conflict of Interest Disclosure Reports they receive to determine if a Conflict of Interest exists, having regard to the definition of Conflict of Interest in this Code.
- d) Providing the results of their assessment of any reported Conflict of Interest, in writing, to the Member.
- e) Where assessment results in a conclusion that a Conflict of Interest exists consulting with the Member respecting possible methods to manage the Conflict of Interest.
- f) In determining whether it is possible to manage the Conflict of Interest in a fashion that involves continued participation of the Member in the activity giving rise to the Conflict of Interest considering all relevant factors, including, but not limited to:
  - i. Any possible prejudice (including harm to reputation) to the University or its interests, its Members, Students, or others served by the University if the Member is allowed to continue to participate in the activity giving rise to the Conflict of Interest;
  - ii. Whether reasonable alternative arrangements are possible which do not create a Conflict of Interest or whether conditions can be imposed which eliminate the Conflict of Interest;
  - iii. The consequences to the University, its reputation and future activities if the Member is, or is not, permitted to continue to participate in the activity giving rise to the Conflict of Interest; and
  - iv. The rights and interests of the Member.
- g) Where an assessment concludes a Conflict of Interest exists and the Reporting Officer concludes that it is not possible to manage the Conflict of Interest in a manner that involves continued participation by the Member in the activity giving rise to the Conflict of Interest, advising the Member of that conclusion in writing.
- h) Where an assessment concludes a Conflict of Interest exists and the Reporting Officer concludes that it is possible to manage the Conflict of Interest in a manner that involves continued participation by the Member in the activity giving rise to the Conflict of Interest, providing the Member with a Plan, in writing, setting out the terms and conditions under which the Member may carry out activities associated with the Conflict of Interest.
- i) Ensure that the activities associated with the Conflict of Interest are monitored and managed so as to ensure compliance with the Plan. The Member has an ongoing obligation to notify the Reporting Officer of any material change in circumstances relating to the Conflict of Interest.
- j) Where deemed necessary and appropriate as a result of monitoring of the activities, amend the Plan (which may include determining that it is not in fact possible to



manage the Conflict of Interest in a manner involving continued participation by the Member), and provide the Member with the amended Plan, in writing.

- k) Consulting as the Reporting Officer deems appropriate with the Reporting Officer's own Reporting Officer, and/or the University Officers responsible for Human Resources, Risk Management, or Procurement in respect to any decision to be made by the Reporting Officer under this Code.
- l) Keeping their own Reporting Officer apprised of all situations in which they have on assessment determined a Conflict of Interest exists, including apprising their own Reporting Officer of all Plans and amended Plans.
- m) Ensuring that records are maintained in respect to matters related to this Code for all Members for whom they are the Reporting Officer.

## **5. Appeals**

If a Member disagrees with an assessment by their Reporting Officer that a Conflict of Interest exists, or disagrees with a Plan or amended Plan for management of a Conflict of Interest, the Member may appeal to the Conflict Review Officer. Any appeal must be in writing, setting out the Member's reasons for disagreeing with the Reporting Officer, and must include copies of the Conflict of Interest Disclosure Report, the written notice of the results of the Reporting Officer's Assessment and, if applicable, the Plan.

The Conflict Review Officer will ordinarily be the holder of the position or office to which the Reporting Officer reports. Where for any reason (including but not limited to a Conflict of Interest on the part of the usual Conflict Review Officer) it is necessary or appropriate to designate a different Conflict Review Officer, the responsible Executive Officer of the University will determine who will serve as the Conflict Review Officer for the purposes of the appeal, and the Member and the Reporting Officer will be advised, in writing, as to who will act as Conflict Review Officer for the purposes of the appeal.

The Conflict Review Officer may, in their discretion, refuse to hear an appeal that is filed more than 30 days after the Member received the written notice of results of the assessment, or the Plan which is the subject of the Appeal.

The Conflict Review Officer may, in their discretion, make inquiries of the Member, the Reporting Officer or both, and may in their discretion consult with the Conflict Review Officer's own Reporting Officer, and/or the University Officers responsible for Human Resources, Risk Management, or Procurement in respect to any decision to be made by the Conflict Review Officer.

The Conflict Review Officer may uphold, vary or revoke the decision of the Reporting Officer which is under appeal. The Conflict Review Officer will provide their decision, in writing, to the Member and the Reporting Officer.

The Conflict Review Officer may, in their discretion, apprise the Conflict Review Officer's own Reporting Officer, and/or executive officer of the University of matters which come before them pursuant to this Code.



## 6. Confidentiality

To the extent permitted by law and this Code, a Member's disclosure of a Conflict of Interest will be kept confidential, subject to reasonable disclosure to University Members whose duties appropriately require or permit their being informed. Without restricting the generality of the foregoing, this provision does not apply to limit the ability of the Reporting Officer or the Conflict Review Officer to consult or to apprise others of matters related to this Code.

### **Gifts, Event Invitations and Conflicts of Interest**

Members must avoid a Conflict of Interest due to the acceptance of any gift or event invitation offered to them directly or indirectly as a result of their position or the performance of their duties with the University.

The Code is not intended to preclude the acceptance of every gift or event invitation. A Member must use their discretion and ensure Conflicts of Interest are avoided when choosing whether or not to accept a gift or invitation which is offered.

If a gift or event invitation is offered to a spouse, adult interdependent partner or minor child of a Member, the same considerations apply as if the gift or invitation were given to the Member directly. Where a gift or invitation includes more than one ticket to an event, the total cost of all tickets received by the Member and their family are to be included in valuing the gift or event invitation.

#### 1. Gifts

Gifts offered to Members by individuals or organizations who expect and receive nothing in return may not be an actual Conflict of Interest. However, a Member must recognize that acceptance may nonetheless create the perception of a Conflict of Interest. Before accepting any gift, the Member should consider any perceptions that might exist and must decline the gift if those perceptions could not be reasonably resolved. Gifts of cash or cash equivalents must be declined.

Situations where Members personally contribute on a voluntary basis towards the purchase of a gift or donation to another individual or community organization, or for the purchase of a gift to a fellow Member or their family, is not considered activity giving rise to a Conflict of Interest.

Situations which are not expected to create a Conflict of Interest include where gifts are given as:

- appreciation for participation in an event or an academic research project;
- appreciation for service to the University;
- recognition as part of the University's formal service and performance awards;
- an award for winning a competition or contest;
- a prize drawn at random for attending an event;
- an expression of sympathy or celebration of a significant event or occasion;
- recognition of an accomplishment;
- an exchange between friends where unrelated to any position or duties performed for



the University;

- an exchange of hospitality between persons doing business together; or
- an incident of protocol, social obligation or cultural practice.

Any gift permitted by this section is still subject to monetary limits. Gifts may be accepted by a Member without special approval where:

(a) the total value of the gift does not exceed \$250; and

(b) the total value of all gifts received by the Member from that offeror within a calendar year does not exceed \$500.

Gifts that are accepted without special approval but which exceed any maximum value specified in this Code must be returned as soon as practical to the offeror. If the gift cannot be returned, it will become property of the University and must be relinquished to the President.

This section does not apply to gifts being accepted by a Member on behalf of the University.

## **2. Events**

A Member may be invited to attend an event. Acceptance and attendance at such an event may not be an actual Conflict of Interest. However, a Member must recognize that acceptance and attendance may create the perception of a Conflict of Interest. Before accepting and attending any event, the Member should consider any perceptions that might exist and must decline the invitation, or seek special approval to accept the invitation, if those perceptions cannot be reasonably resolved.

Where a Member is offered tickets to an event, but the offeror is not attending with the Member and is instead offering the tickets to do with as the Member pleases, the tickets are to be treated as a gift rather than an event invitation.

Situations which are not expected to create a Conflict of Interest include events, for example, where:

- the event is open to the general public (e.g., annual parades, small community BBQs, Calgary Stampede, Edmonton K-Days);
- attending the event is within the scope of duties or obligations normally accompanying the Member's position with the University; or
- the Member pays for their own costs of attendance (including registration fees, food, and beverages).

Any acceptance of an event invitation permitted by this section is still subject to monetary limits. Event invitations may be accepted by a Member without special approval where:

- (a) If the invitation is being made by a donor or friend of the University to the President or a Vice-President, Associate Vice-President, Deputy-Provost, or Dean:



- i. the total value of attending the event does not exceed \$1,000; and
  - ii. the total value of all event invitations attended by the Member from that donor or friend of the University in a calendar year does not exceed \$2,000.
- (b) For any other event:
- i. the total value of attending the event does not exceed \$500; and
  - ii. the total value of all event invitations attended by the Member from that offeror in a calendar year does not exceed \$500.
- (c) Notwithstanding the above, if the event is a conference, seminar, or similar event that the Member has been invited to speak at or participate in (beyond making opening or closing remarks) that relates to their University responsibilities or major academic interests:
- i. the total value of attending the event does not exceed \$8,000;
  - ii. the total value of attending all such event invitations made by that offeror does not exceed \$16,000 in a calendar year; and
  - iii. the total value of attending the event is not otherwise unreasonable in the circumstances.

Acceptance of invitations to, and attendance at, events which are 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 any such government, a consul or ambassador of a foreign country, or a not-for-profit organization (provided the not-for-profit 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), are not subject to monetary limits.

For the purposes of this Code, the value of an event includes all provided registration fees, food, beverages, accommodation, transportation and other costs directly related to attendance and participation.

#### Guidance, Valuations and Special Approvals

A Member who is uncertain as to whether the acceptance of a gift or event invitation may create a Conflict of Interest is encouraged to seek initial guidance from the Vice-President Finance and Administration & Chief Financial Officer. The President may seek such guidance from the Board Chair.

If the valuation or reasonability of any gift or event attendance is in dispute, it will be as determined in the sole discretion of the Vice-President Finance and Administration & Chief Financial Officer. If the gift or event invitation is being given to the President, any disputed valuation will be as determined in the sole discretion of the Board Chair.

Where a Member is offered a gift or invited to an event which may exceed a maximum value, or where an event may be construed as unreasonable in the circumstances, the Member may apply



to the Vice-President Finance and Administration & Chief Financial Officer in writing to seek special approval to accept the gift or event invitation. The President may apply in writing to the Board Chair. Special approvals will only be granted if acceptance would not create an unmanageable Conflict of Interest and would not otherwise be contrary to the principles of this Code.

Upon receipt of a request for guidance, special approval, or the need to determine the valuation of a gift or an event, the Vice-President Finance and Administration & Chief Financial Officer or the Board Chair (as the case may be) will reply in writing; having acted reasonably, considered the best interests of the University, and ensured there are no Conflicts of Interest in providing guidance or making the determination.

### **Breaches of the Code of Conduct**

The purpose of this Code is to both educate Members on the University's expectations and to regulate their behaviour to ensure they act in the best interests of the University. Failure to comply with this Code constitutes misconduct and may warrant discipline, or in the event of a serious violation, dismissal.

Any investigation into an alleged breach of the Code will be conducted in accordance with the below, subject to anything contrary contained in a Member's collective agreement. Any disciplinary action imposed will be commensurate with the seriousness of the violation, taking into account mitigating and aggravating factors, and will be in accordance with any collective agreement.

A person who is unsure whether a complaint should be reported as a standard complaint, or as a Protected Disclosure, as below, may seek direction from the Chief Human Resource Officer or the Confidence Line (the independent external organization contracted by the University to provide a confidential process via 1-800-661-9675 or online at <http://www.athabasca-university.confidenceline.net>).

The University reserves the right to take actions necessary to enforce the spirit and intent of the Code and to ensure the highest standards of ethical, respectful and responsible behavior from its Members.

#### **1. Standard Complaint Reporting, Investigations and Responses**

Any person who has a reasonable and good faith belief that a Member has breached any part of this Code should make a written complaint to the Chief Human Resource Officer (CHRO). Complaints regarding serious breaches of this Code are expected to be reported as Protected Disclosures pursuant to the University [Protected Disclosure \(Whistleblower\) Procedure](#) (Schedule 'A').

Upon receipt of a standard complaint, if the CHRO believes the complaint has merit, the CHRO will delegate an appropriate individual to conduct an investigation and will notify the Member alleged to have breached the Code of the nature of the allegation. The individual delegated by the CHRO may contact any parties necessary for the purposes of investigating and making a final determination. Prior to the investigator's final determination, the Member alleged to have breached the Code will be provided an opportunity to respond.



The delegated individual will make the final determination in a written report. If the delegated individual determines that the Member has breached the Code, the Member will be informed, provided with a summary of the final written report, and the Member's Reporting Officer will be contacted, along with any other appropriate parties, to determine any disciplinary response.

Upon receipt of a complaint, or during the investigation of a complaint, the CHRO or the delegated individual may escalate a standard complaint to a Protected Disclosure by disclosing it in accordance with the Protected Disclosure (Whistleblower) Procedure (Schedule 'A'). The remaining investigation and determination will then be made in accordance with that Procedure, subject to any terms of a collective agreement. The Member alleged to have breached the Code will be informed at the time the complaint is escalated.

## **2. Protected Disclosure (Serious Breach) Reporting, Investigations and Responses**

Certain breaches of the Code are considered particularly serious by the University. These breaches generally involve contraventions of the law, financial damage to the University, or severe and intentionally unethical conduct. Examples may include conduct that:

- is a contravention of a local, provincial, or federal act or regulation;
- is an act of fraud or financial irregularity;
- involves a misuse or gross mismanagement of University funds, assets, or resources;
- creates a substantial or specific danger to the life, health, or safety of persons or to the environment;
- is an act of reprisal; or
- directs or counsels a person to commit a serious breach of the Code or another Athabasca policy or procedure.

Serious breaches of the Code are expected to be reported as a "Protected Disclosure" in the manner provided by the [Protected Disclosure \(Whistleblower\) Procedure](#) (Schedule 'A'). Any investigation and response that follows will also be made in accordance with that Procedure, subject to anything to the contrary in a collective agreement.

### **Members with a Collective Agreement**

Some Members are governed by a collective agreement negotiated between the University and the Member's bargaining agent. These agreements may specify certain procedures regarding concurrent activities, investigations, discipline, or other matters. In the event of a discrepancy between any part of this Code and a Member's collective agreement, the terms of the collective agreement will govern to the extent necessary to resolve the discrepancy.

Collective agreements are evolving documents. The following table is provided as a convenient reference for Members whose obligations regarding concurrent activities, investigations, or discipline, may be modified by the terms of their collective agreement. While every effort is made to keep this table current, from time to time, collective agreements may change before such an update can occur. Members should refer to their bargaining agent for the most up-to-date information; it is the responsibility of the Member to be familiar with the content of their collective agreement.





Member	Name and link to relevant collective agreement (or policy)	Relevant Articles
General Support Services	<a href="#">Governors of Athabasca University and the Alberta Union of Provincial Employees (AUPE), Local 069 (July 1, 2013 to June 30, 2017)</a>	2 (Scope); 14 (Grievance Procedure); 15 (Discipline); 19 (Personal File)
Staff Members	<a href="#">Governors of Athabasca University and Athabasca University Faculty Association (AUFA) (Terms and Conditions July 1, 2015 to June 30, 2019; Salaries and Benefits: July 1, 2016 to June 30, 2018)</a>	2.1 (Scope); 7 (Discipline); 8, 9 (Grievance and Appeal Procedure); 11 (Academic and Professional Freedom); 13-16 (Professional Development and Leaves) 20 (External Professional Activities);
Non-designated academic employees, including Tutors and Markers	<a href="#">Governors of Athabasca University and CUPE, Local 3911 (July 1 2016 to June 30, 2019)</a>	3 (Scope); 13 (Vacation and Leaves); 18-19 (Special and Academic Leaves); 23 (Discipline and Discharge); 24, 34 (Grievance and Appeal Procedure) 27 (Professional Development); 31 (Personnel File); 33 (Academic Opinion)
Graduate students employed as GA's	<a href="#">Governors of Athabasca University and Athabasca University Graduate Students' Association (AUGSA) (March 1, 2019 to February 28, 2022)</a>	3 (Recognition); 4 (Application); 11 (Discipline); 15 (Dispute Resolution);
Post-doctoral fellows	<i>Post-doctoral fellows will be governed by the Code until a collective agreement is negotiated.</i>	

### **Notice Period and Amendments**

The University reserves the right to amend this Code at any time, including but not limited to:



- (a) when necessary to comply with any direction of the Ethics Commissioner of Alberta; or
- (b) when necessary to comply with any new or modified legislation.

Amendments made respecting any content of the Code relating to the content required by section 23.922 of the *Conflicts of Interest Act*, RSA 2000 c C-23 will be made in accordance with that Act and any other relevant legislation.

This Code will be made public on or before April 30, 2019, after receiving approval from the Ethics Commissioner of Alberta pursuant to section 23.922 of the *Conflicts of Interest Act*. Following being made public, the University will observe a notice period through to August 31, 2019, where this Code will be available for review but not yet implemented.

This Code will be implemented on September 1, 2019, at which time it will replace the following University policies:

- *Code of Conduct* (approval date June 7, 2013, Motion # 183-07);
- *Conflict of Interest* (approval date June 7, 2013, Motion # 183-08); and
- *Conflict of Interest Procedure* (effective date March 24, 2014).

The above policies and procedures remain in effect until this Code is implemented.

### **Applicable Legislation and Regulations**

*Freedom of Information and Protection of Privacy Act*  
*Alberta Public Agencies Governance Act*  
*Post-Secondary Learning Act*  
*Conflicts of Interest Act*



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## **Schedule A – Protected Disclosure (Whistleblower) Procedure**

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[http://ous.athabascau.ca/policy/vpfa/whistleblower\\_procedure.pdf](http://ous.athabascau.ca/policy/vpfa/whistleblower_procedure.pdf)



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## **Schedule B – Specified Professional Associations Approved by the President**

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In certain situations, a Member's concurrent appointment, employment or self-employment, business or undertaking other than their position with the University (their "concurrent activity") may require them to be a member of a professional association which has a code of conduct and can discipline members for a breach of that code. In these situations, it may be appropriate for the Member's concurrent activity to be deemed pre-approved in the absence of any other Conflict of Interest.

The President (or the President's delegate) periodically reviews and approves a list of professional associations that are considered to have sufficient protections such that pre-approval is appropriate where the Member's concurrent activity requires membership in that association. Therefore, for the purposes of Article 23.0(c)(iv) of this Code, the following associations have been approved:

- Alberta Association of Architects
- Alberta College of Social Workers (ACSW)
- Alberta Institute of Agrologists
- Alberta Society of Professional Biologists
- American Psychological Association
- Association of Professional Engineers and Geoscientists of Alberta (APEGA)
- Association of the Chemical Profession of Alberta
- BC Association of Clinical Counsellors
- Canadian Association of Information Technology Professionals
- Chartered Professional in Human Resources (CPHR)
- Certified Human Resource Professional (CHRP)
- Canadian Psychological Association
- Certified Public Accountants of Canada
- Chartered Financial Analysts Institute
- Chartered Professional Accountants of Alberta (CPA Alberta)
- College and Association of Registered Nurses of Alberta (CARNA)
- College of Alberta Psychologists
- Global Association of Risk Professionals (GARP)
- Institute of Corporate Directors
- Law Society of Alberta
- Law Society of British Columbia
- Law Society of Ontario



Law Society of Saskatchewan

Professional Risk Managers' International Association

Project Management Institute (PMI)

Statistical Society of Canada

Supply Chain Management Association (SCMA)



## CONFLICT OF INTEREST DISCLOSURE REPORT

To protect the overall interests of the University and our Members, it is vital that all Conflicts of Interest (actual, potential or perceived) be recognized, reported, assessed and appropriately managed. As a Member of the University Community you are required to complete this Conflict of Interest Disclosure Report in accordance with the *Code of Conduct for Members of the University Community* (the “Code”).

Please refer to the Code prior to completing this Disclosure Report. Definitions found in this document have the same meaning as provided in the Code.

### Identifying Information of the Member of the University Community making this Disclosure Report

Member Name: \_\_\_\_\_

Position: \_\_\_\_\_

Department or Faculty: \_\_\_\_\_

Business Phone No.: \_\_\_\_\_

Business email: \_\_\_\_\_

### Identifying Information for the Reporting Officer to whom this Disclosure Report is submitted

Reporting Officer’s Name: \_\_\_\_\_

Reporting Officer’s Position: \_\_\_\_\_

*For any Member, the Reporting Officer is the holder of the position or office to whom the Member reports, or who has managerial responsibility over the Member (or another person designated to fulfill that role). See Code p 4, 15-17.*

**Is this Disclosure Report being prepared at the commencement of the Member’s relationship with the University, as an annual update, or to identify a newly discovered Conflict of Interest or Potential Conflict?**

- |  |                            |
|--|----------------------------|
| <b>First Disclosure Report</b> (New AU Team Member)          | Yes/No (please circle one) |
| <b>Annual Disclosure Report</b> (Existing AU Team Members)   | Yes/No (please circle one) |
| <b>Newly Discovered Conflict</b> (Existing AU Team Members)  | Yes/No (please circle one) |
| <b>Updating Prior Declaration</b> (Existing AU Team Members) | Yes/No (please circle one) |



## Section A – Conflicts of Interest and Potential Conflicts Member Declaration

(please initial)

If you respond “Yes” to any of the following questions, please provide the name of the Related Persons, the nature of your involvement with them and the related particulars in Section B.		Yes	No
1.	Do you hold an appointment, employment, self-employment, or engage in another business or undertaking external to the University (i.e. concurrent activity) that is not pre-approved (p 8-9)?		
2.	Have you or will you receive money or other payments (other than normal salary, benefits and expenses) that would not have been offered but for your relations with the University?		
3.	Will your role with the University result in your instructing, evaluating, or influencing the instruction or evaluation of one of your Related Persons?		
4.	Does your role with the University place you in a position in which you might make or influence any decision which may result in you or any of your Related Persons receiving a financial or other material benefit from University funds or assets over which you have control or influence?		
5.	Does your role with the University place you in a position in which you might make or influence human resources decisions (including but not limited to decisions about recruitment, offers of employment, performance evaluation, promotion, granting of tenure, discipline or termination of employment) in respect to one of your Related Persons?		
6.	Does your role with the University place you in a position in which you might make or influence a decision to <u>purchase</u> goods or services from yourself or any of your Related Persons?		
7.	Does your role with the University place you in a position in which you might make or influence a decision to <u>provide</u> goods or services to you or any of your Related Persons?		
8.	Have you or do you intend to make significant use (use beyond that of a purely incidental nature which involves no cost to the University) of University facilities, supplies, equipment, or confidential information to support any activity or purpose not directly associated with your obligations to the University?		
9.	Does your role with the University place you in a position in which you might make or influence a decision which would permit you or one of your Related Persons to use the premises, facilities, property, or services of the University to promote your personal interests or the interests of the Related Persons?		
10.	Do you use or intend to use the services of students or Members of the University Community over whom you have managerial, supervisory, or academic responsibility for any purposes beyond those directly associated with your obligations to the University?		
11.	Do you engage in activities external to those you undertake on behalf of the University which are, or are likely to become, so substantial and demanding of your time and attention as to give rise to a Conflict of Commitment?		
12.	Have you received or do you anticipate being offered a gift or invite to an event that is in excess of the monetary limits established in the Code (p 18-21)?		
11.	To the best of your knowledge, do any of your Related Persons have a relationship with the University that may reasonably cause a third party to believe you are in a Conflict of Interest?		
12.	Are you aware of any other present or anticipated circumstance or relationship in which you are involved which might be perceived by any person as likely to give rise to a conflict between your obligations to the University and your other interests?		

If you answered “**YES**” to any of the questions above, please provide additional information in **Section B**.

If you answered “**NO**” to all of the questions above, please proceed to **Section C**.





**Section B – Conflicts of Interest and Potential Conflicts Supporting Information**

If you answered “Yes” to any of the questions above, please provide the name of the Related Persons, the nature of your involvement with them, and the related particulars of the actual, potential or perceived conflict.

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**Section C – Conflicts of Interest and Potential Conflicts Member Declaration**

I, \_\_\_\_\_, have read Athabasca University’s *Code of Conduct for Members of the University Community* and understand that this Conflict of Interest Disclosure Report is provided in accordance with the Code.

I understand that if I have declared or a Member has reported a Conflict of Interest that I must not engage in the activities that gave rise to an actual, perceived or potential Conflict of Interest until such time as my Disclosure Report has been assessed, and I have been formally advised that the assessment has determined that no Conflict of Interest exists.

I understand that should it be assessed that a Conflict of Interest exists a Plan may be prepared setting the terms and conditions on which I may engage in those activities, and I will abide by the terms and conditions in the Plan.

I understand that Plans may be amended, including amendment to bar my continuing to engage in the activities giving rise to the Conflict of Interest in any way. I will abide by the requirements of any amended Plan.



I understand that I may appeal any decision that I have a Conflict of Interest, or any Plan or Amended Plan, to a Conflict Review Officer. I further understand that any such appeal does not entitle me to engage in the activity giving rise to the Conflict of Interest unless and until a decision of the Conflict Review Officer so provides.

I understand that the personal information contained in this form is collected under the authority of Part 2 of the *Freedom of Information and Protection of Privacy Act* for the purposes of determining if a Conflict of Interest exists and assisting in management of any Conflict of Interest. I consent to the collection and use of the information by the University for that purpose.

I declare that the information contained in this Disclosure Report is true and correct to the best of my knowledge, information and belief.

I further commit that I will promptly submit an updated Disclosure Report if I become aware that the answers given in this report are no longer accurate.

\_\_\_\_\_  
Signature of Member

\_\_\_\_\_  
Date

*Please submit the fully executed Disclosure Report to your Reporting Officer.*