

Section:	Human Resources (HR)
Subject:	Employment Rights and Obligations
Legislation:	<i>Conflicts of Interest Act (RSA 2000 c-23); Criminal Code, R.S.C.1985, c.C-46.</i>
Effective:	July 1, 2018
Revision:	May 27, 2019

APPROVED: _____
Chair, on Behalf of SAIT’s Board of Governors

POLICY

The policy of the Board of Governors is to establish a standard of conduct whereby members of the SAIT community act in SAIT’s best interests in all their endeavors and in accordance with SAIT’s FIRST Principles (Fairness, Integrity, Respect, Safety and Transparency), and work to create a workplace and learning environment that is not jeopardized by a conflict of interest or by unethical behavior.

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DEFINITIONS

Associate An individual or organization with which a member of the SAIT community has a business or private relationship, such as:

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- A relative, as defined below
- A corporation of which the member of the SAIT community is a director or senior officer
- A private corporation that the member of the SAIT community either owns or is the beneficial owner of that corporation's shares
- A partnership in which the member of the SAIT community is a partner, or of which one of the partners is a corporation directly associated with the member as described above
- An organization acting with the member of the SAIT community's express or implied consent

Client	Any body (including corporate, government, association or volunteer organization) to which SAIT has offered or is prepared to offer or reasonably may offer a product or service.
Conflict of interest	A situation in which a member of the SAIT community has a private interest sufficient to influence, to appear to influence, or to potentially influence the objective exercise of that individual's duties in SAIT's best interests, or a situation in which that individual directly or indirectly competes with or aids another to compete with SAIT or to engage in a business or practice contrary to SAIT's interests, goals, objectives or business.
Conflict of Interest Review Committee ("Committee")	The SAIT committee that reviews and acts upon disclosures and allegations of conflicts of interest.
Employee	A person employed on SAIT's payroll, whether paid by annual salary or hourly wage. This includes SAIT's President and CEO.
Executive Management Council	SAIT's senior leadership team.
Favouritism	The more favourable treatment of one individual at the expense or to the detriment of another for reasons other than those based on work-related skills or other objective and relevant qualifications.
Governor	A member of SAIT's Board of Governors.
Independent contractor	An individual contracted by SAIT under the individual's own company name and paid through the Finance department.

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Intimate relationships	Relationships of an intimate nature developed and maintained within the workplace and learning environment, and which may include intimate conduct or conduct of a sexual nature.
Personal business venture	Any business activity, provision of services, employment services, consultation or any related activity (regardless of whether or not remuneration is paid) that a member of the SAIT community conducts or carries out individually, through a proprietorship, body corporate, partnership, association or otherwise, and that is not part of that individual's employment mandate or responsibilities with SAIT.
Private interest	An individual's self-interest (for example, achieving a financial profit or avoiding loss, gaining a special advantage, or avoiding a disadvantage); the interests of an individual's relatives, associates, or business partners; or the interests of another organization in which the individual holds a voluntary or a paid position.
Relative	A person to whom a member of the SAIT community is related by blood or marriage. It includes a husband, wife, child, parent, sibling (including a foster or a step parent, child or sibling), parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, niece or nephew. It also includes a common law spouse and adult interdependent partner (as defined by law).
SAIT community	SAIT's governors, employees and independent contractors.
Student	A person currently enrolled in a SAIT program or course.
Workplace and learning environment	Any physical or electronic environment where SAIT-related activities take place or where SAIT conducts business.

GOVERNING PRINCIPLES

1. This policy and procedure apply to all members of the SAIT community as defined above. All provisions of this procedure come into immediate force on July 1, 2018 for the SAIT community, including Executive Management Council, the President and CEO, and the chair, SAIT Board of Governors, unless otherwise specifically stated in the procedure.
2. Members of the SAIT community must conduct themselves in accordance with legislation, with SAIT's FIRST Principles (Fairness, Integrity, Respect, Safety and Transparency), and with SAIT's policies and procedures.
3. Members of the SAIT community shall not place themselves in a conflict of interest as described in this procedure. A conflict of interest may be:

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- a) Actual, where a member of the SAIT community's official duties are influenced by that individual's private interests.
 - b) Apparent or perceived, where a member of the SAIT community's official duties appear on a reasonable basis to be influenced by that individual's private interests.
 - c) Potential, where a member of the SAIT community's official duties may be influenced in the future by that individual's private interests.
4. Employees and independent contractors who are unsure if a particular situation puts them in a conflict of interest or who require clarification about SAIT's standards and expectations of conduct should contact their supervisor or the Employee Services Department.
 5. SAIT's President and CEO or designate is responsible for administering this policy and procedure.
 6. This policy and procedure are subject to the review and revision provisions applicable to all SAIT policies and procedures, as set out in procedure AD.1.3.1 SAIT Procedures.

PROCEDURE

A. General Requirements for Members of the SAIT Community

1. Members of the SAIT community shall:
 - a) Ensure that information they give in the course of their duties is fair and not misleading.
 - b) Act impartially at all times in carrying out their duties.
 - c) Use SAIT property and assets only for SAIT business. See procedures FM.1.1.2 SAIT Facilities, Tools, Equipment and Workspace and AC.2.11.1 Intellectual Property for further information.
 - d) In the case of employees and independent contractors:
 - i) Immediately disclosure to their supervisor/manager if they have been charged with a criminal offence.
 - ii) Annually confirm through Employee Services' processes that they have access to this policy and procedure, have reviewed and understand the contents of this policy and procedure, and have complied with and will continue to comply with this policy and procedure.
2. Members of the SAIT community shall not:
 - a) Place themselves in any way in a position where their judgment and/or impartiality may reasonably be questioned.

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- b) Solicit or accept some form of benefit in return for influencing SAIT activities or promoting someone else's interests at SAIT.
- c) Use their position or powers at SAIT to influence or to seek to influence a decision to provide funding or contracts to a relative or associate, or to go outside normal hiring processes to give a job to a friend, relative or associate.
- d) Use property or information to which they have access to at SAIT and/or to which others would not have access, for their private benefit or for the benefit of others.
- e) Use their position or powers at SAIT to benefit or support their personal business ventures or those of a relative or associate, regardless of whether or not this adversely affects SAIT.
- f) Participate in outside employment or personal business ventures where that outside activity conflicts with SAIT's interests. Refer to section F of this procedure for further information.
- g) Take part in a decision in the course of carrying on their office or powers knowing that the decision might further their private interests or the private interests of a relative or associate.
- h) Use their office or powers to influence or seek to influence a decision made by SAIT in order to further their private interest or the private interest of a relative or associate, or to improperly further any other person's private interest.

B. Employment of Relatives

1. A member of the SAIT's community's relative is restricted from working at SAIT where the member of the SAIT community has or may have the opportunity to exercise favoritism towards that relative, whether in employment or business matters.
2. A member of the SAIT community may not:
 - a) Directly or indirectly supervise that member's relative where there may be an opportunity to exercise favoritism. This includes supervision involving or having the opportunity to influence the assignment of work or working hours, performance plan documentation, evaluation of performance, determination of salary increments, promotions, or corrective action.
 - b) Participate in employment or business decisions where that individual may have the opportunity to exercise favoritism towards the relative.
3. SAIT has the discretion to transfer the relative to a situation where the opportunity for favoritism will not arise. If SAIT cannot offer alternative employment, SAIT has the discretion to require one or more of the individuals involved in the relationship to resign.

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C. Intimate Relationships with Students or Other Members of the SAIT Community

1. Members of the SAIT community shall not engage in intimate conduct or sexual conduct with:
 - a) Any student over whom they have influence or could be perceived to have influence, regardless of the student’s consent or age. Because of possible criminal law implications, such intimate relationships are explicitly prohibited in all cases where the student is under the age of 18 years.
 - b) Other members of the SAIT community, where their position of trust, power or authority could be abused, whether actual or perceived.
2. SAIT has the discretion to transfer one or more of the individuals involved in such a relationship. If SAIT cannot offer alternative employment, SAIT has the discretion to require one or more of those individuals to resign.

D. Integrity in Business Relationships

1. Members of the SAIT community shall uphold and enhance SAIT’s reputation and standing by:
 - a) Maintaining a high standard of integrity in all their business relationships, such that their honesty, impartiality and propriety are clearly evident and cannot reasonably be questioned.
 - b) Fostering the highest possible standard of professional competence both personally and for those to whom they are responsible.
 - c) Using resources in the most effective and efficient possible manner to achieve SAIT’s vision and mandate.
 - d) Adhering to proper business practices at all times and reporting improper practices when detected to the Conflict of Interest Review Committee (“the Committee”), using the Conflict of Interest Disclosure Form set out as Schedule A, an Associated Document to this procedure.
2. Members of the SAIT community shall not uphold any business arrangement with a supplier which might in the long term prevent the operation of fair and open competition.

E. Privacy and Confidentiality of SAIT’s Records and Information

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1. Members of the SAIT community may access and/or use SAIT's records and information only for the intended purpose of those records and information. They shall not access or use SAIT records or information for their private benefit, for the private benefit of any relative or associate, or for any private business venture. Refer to procedures AD.3.2.1 Records Management, AD.3.3.1 Data Governance, and AD.2.14.1 Acceptable Use of Computing and Information Technology Resources for further information.
2. Members of the SAIT community must:
 - a) Respect and maintain the confidentiality, integrity and security of personal information they access or use in the course of their employment or association with SAIT.
 - b) Not disclose such personal information except where and as authorized by legislation.
 - c) Report any actual or suspected misuse of personal information to their supervisor/manager, SAIT's Privacy Coordinator, or Employee Services. Refer to policy AD.1.1 [SAIT's Compliance with Freedom of Information and Protection of Privacy Act](#) and its associated procedures.

F. Outside Employment and Personal Business Ventures

1. Employees other than the President and CEO:
 - a) This procedure does not restrict employees from:
 - i) Performing similar concurrent outside work for other persons (other than during their hours of work for SAIT unless authorized in writing by the applicable vice president), and/or
 - ii) Conducting personal business ventures (other than during their hours of work for SAIT unless authorized in writing by the applicable vice president),except in regard to a possible conflict of Interest as described in this procedure or as specifically stated in any applicable agreement with SAIT.
 - b) If a conflict of interest appears to exist in relation to concurrent outside work or a personal business venture, the employee must immediately cease engaging in that work or venture until the Committee has reviewed and decided the issue, as per paragraph F.1.e) of this procedure.
 - c) An employee shall not offer or contract to provide individually, on behalf of or as part of another corporation, organization or group, those products or services to a SAIT client or potential SAIT client that SAIT could otherwise reasonably provide, without the written approval of the applicable dean, director or vice president.

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- d) An employee who engages or who wishes to engage in concurrent outside employment or in a personal business venture, where that employment or venture directly or indirectly involves services, operations or businesses similar to those that SAIT carries or will carry out, must complete the Conflict of Interest Disclosure Form set out as Schedule A, an Associated Document to this procedure, and submit this form to the Committee.
- e) The Committee shall review and determine if a conflict of interest exists, within 30 business days of receiving the application. The Committee shall advise the employee and Employee Services of its decision. The employee has the right to appeal this decision as per paragraph K.1.e.iv) of this procedure.
- f) SAIT will review and evaluate with the employee the impact of that concurrent employment or personal business venture on SAIT and the employee's work, through the annual performance, planning and review process.
- g) SAIT employees shall not allow the performance of their official duties to be influenced by offers of future employment or the anticipation of offers of future employment.

2. President and CEO:

- a) SAIT's President and CEO may not participate in any outside appointment, business, undertaking, employment or self-employment unless the President and CEO:
 - i) Applies to and receives written approval from the Province of Alberta's ethics commissioner to do so.
 - ii) Complies with the conditions, if any, that the ethics commissioner has included in the approval.
- b) This provision comes into force for the current President and CEO either on December 15, 2019 or when the President and CEO's contract or appointment is renewed or extended, whichever comes first.

G. Acceptance of Gifts and Complimentary Items

- 1. SAIT values and will protect its integrity and autonomy. SAIT does not accept gifts or complimentary items when a condition of such acceptance would compromise SAIT's FIRST Principles.
- 2. Members of the SAIT community may not accept fees, gifts or other benefits that are connected directly or indirectly with the performance of their duties from any individual, organization or corporation, other than:

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- a) The normal exchange of hospitality between persons or organizations doing business together.
 - b) Tokens and gifts exchanged as part of protocol.
 - c) The coverage of travel and registration costs for members of the SAIT community participating in public functions, awards, speeches, lectures, presentations, or seminars.
3. The above-mentioned gifts should not include cash, gift cards or cheques.
 4. The value of gifts that a member of the SAIT community receives during one fiscal year should not exceed:
 - a) From donors, a value of \$1,000 per gift for members of Executive Management Council, or \$500 per gift for associate vice Presidents/deans/directors, or \$250 per gift for all other employees, with a maximum total value of \$2,000 from a single source.
 - b) From suppliers, a value of \$500 per gift for members of Executive Management Council, or \$250 per gift for all other employees, with a maximum total value of \$500 from a single source.
 5. Members of the SAIT community are responsible for tracking the value of gifts that they receive and for providing this information to the Committee upon request.

H. Political Activity and Media Relations

1. Members of the SAIT community who wish to engage in political activities are governed by procedure HR.3.2.1 Public Service Leave and policy ER.5.1 Political Contributions.
2. Members of the SAIT community are governed by procedure ER.1.1.1 Communication Guidelines – External and by procedure ER.1.2.1 Social Media Use.

I. Post-Appointment/Employment Restrictions – Governors and Executive Management Council

1. There must be no conflict between:
 - a) A governor’s responsibilities to SAIT and that individual’s post-appointment activities.
 - b) A member of Executive Management Council’s responsibilities to SAIT and that individual’s post-employment activities.

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2. Once a governor or a member of Executive Management Council leaves SAIT, that individual shall not disclose confidential information that the individual became aware of while a board member or a SAIT employee.
3. Former governors and former members of Executive Management Council shall not, within a period of 12 months after leaving SAIT, accept contracts or employment with, or appointments to, an entity with which they had direct and significant official dealings during the 12 months immediately before leaving SAIT.
4. The President and CEO is subject, as per the provisions of s.23.937 of the *Conflicts of Interest Act*, to additional 12-month post-employment/appointment restrictions on:
 - a) Lobbying.
 - b) Acting on a commercial basis in relation to any ongoing matter in which the President and CEO had directly acted for or had advised SAIT.
 - c) Making representations with respect to a contract with or a benefit from SAIT.
 - d) Soliciting or accepting on the President and CEO's own behalf a contract or benefit from SAIT.
 - e) Accepting employment with an individual, organization, board of directors or equivalent organizational body with which the President and CEO had a direct and significant official dealing.

This provision comes into force for the current President and CEO either on April 4, 2020, or when the President and CEO's contract or appointment is renewed or extended, whichever comes first.

J. Holdings and Financial Disclosures – President and CEO

1. As per the provisions of s.23.93 of the *Conflicts of Interest Act*, the President and CEO may not own or have a beneficial interest in publicly-traded securities, subject to the exceptions and requirements set out in that legislation. This provision comes into force for the current President and CEO either on April 4, 2020 or when the President and CEO's contract or appointment is renewed or extended, whichever comes first.
2. As per the provisions of s.23.931 of the *Conflicts of Interest Act*, the President and CEO shall file with the ethics commissioner a financial disclosure of the assets, liabilities, investments, holdings and other interests of the President and CEO and of any corporation that the President and CEO controls. This provision comes into force for the current President and CEO either on April 4, 2020 or when the President and CEO's contract or appointment is renewed or extended, whichever comes first.
3. As per the provisions of s.23.932 of the *Conflicts of Interest Act*, the President and CEO shall file with the ethics commissioner a financial disclosure of the assets, liabilities, investments, holdings and other interests of the President and CEO's spouse or

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interdependent partner, minor children, and any corporation that the spouse or adult interdependent partner controls. This provision comes into force for the current President and CEO either on April 4, 2020 or when the President and CEO's contract or appointment is renewed or extended, whichever comes first.

K. Disclosure of Conflicts of Interest, Enforcement and Consequences

1. Employees and independent contractors:

- a) Employees and independent contractors shall immediately disclose to their supervisor/manager, using the Conflict of Interest Disclosure form set out as Schedule A, an Associated Document to this procedure, if they are:
 - i) In an actual, apparent or perceived, or potential conflict of interest as defined and discussed in this procedure; and/or
 - ii) In a situation that could reasonably be construed as competing with or contrary to SAIT's goals, objectives, business or interests.
- b) Employees and independent contractors shall report any behaviours or practices they observe or are aware of that appear to breach this procedure to the Committee, using the Conflict of Interest Disclosure Form set out as Schedule A, an Associated Document to this procedure..
- c) A member of the SAIT community who receives a Conflict of Interest Disclosure shall refer the matter to the Committee.
- d) The Committee shall review the matter and advise the person against who the allegation has been made, the person who has made the allegation, and Employee Services of the outcome of the review, within 30 business days of becoming aware of the alleged breach.
- e) The person who is alleged to have committed the breach has the right to:
 - i) Be made aware of the allegations and of who has made those allegations.
 - ii) Be accompanied by a supporter in any interview.
 - iii) Respond to those allegations.
 - iv) Appeal the outcome of the review to Executive Management Council, or in the case of a member of Executive Management Council who has been found to have breached this procedure, to the Chair of the Audit Committee, SAIT's Board of Governors. The decision of Executive Management Council or the Chair of the Audit Committee is final and binding.
- f) An employee or independent contractor who has been found to have breached this procedure shall be subject to measures as SAIT determines to be appropriate, including but not limited to:

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- i) SAIT restricting that individual's involvement in decisions relating to a conflict of interest.
 - ii) SAIT removing that individual from duties giving rise to the conflict of interest.
 - iii) SAIT requiring that individual to relinquish that person's private interest as it relates to a conflict of interest.
 - iv) Dismissal from employment upon any criminal conviction resulting from sex with a student or a member of the SAIT community, or potential dismissal from employment upon any other criminal conviction.
 - v) Corrective action as per the provisions of procedure HR.4.4.1 Corrective Action Procedures, including dismissal from employment, if:
 - SAIT finds the individual to be abusing or to have abused a position of trust, power, authority, or dependency, even with apparent consent.
 - The individual has been found liable as a result of a complaint pursuant to provincial human rights legislation or occupational health and safety legislation.
2. Governors who are in an actual, apparent or perceived, or potential conflict of interest as defined and discussed in this procedure, or who are in a situation that could reasonably be construed as competing with or contrary to SAIT's goals, objectives, business or interests, shall follow the processes and be subject to the measures as established and imposed by the Board of Governors.
 3. A member of the SAIT community who brings forward or who is involved in the review of an alleged breach of this procedure will be protected from any form of retaliation by the person against whom the allegation was made. Any such retaliation may result in consequences as set out in procedure HR.4.4.1 Correction Action Procedures.

ASSOCIATED DOCUMENTS

Schedule A Conflict of Interest Disclosure Form

POLICY/PROCEDURE REFERENCE

HR.4.11 Conflict of Interest Policy

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