

# KINGSTON HEALTH SCIENCES CENTRE

## ADMINISTRATIVE POLICY MANUAL

**Subject:** Conflict of Interest Policy

**Number:** 01-217

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Original Issue: 2020.10

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### Introduction

This policy will assist persons, including physicians and residents, to identify and avoid real or perceived conflicts of interest in their conduct with Kingston Health Sciences Centre (KHSC) and aligns to the guiding principles of transparency and accountability.

This policy is not intended to replace existing KHSC policies or legislative standards that address specific forms of conflict of interest including but not limited to those addressing professional boundaries.

### Policy

KHSC expects all persons to comply and act in accordance, at all times, with the policy statement and the more detailed provisions provided hereinafter.

A person's position or knowledge gained through their employment, appointment or affiliation is not to be used in a manner that creates a real or perceived conflict of interest. Objectivity must be maintained in both appearance and in fact. If in doubt, the individual should err on the side of caution and discuss potential conflict situations with their manager or primary contact if not an employee. The rules and examples that follow do not exhaust the possibilities for conflict of interest, but they identify obvious situations that may arise. Failure to disclose and act in accordance with the policy once a conflict of interest situation is identified may lead to disciplinary action by KHSC up to and including dismissal or loss of privileges or placement.

### Definitions

**Affiliate:** an individual who is not employed by KHSC but performs specific tasks at KHSC, including: learners, volunteers, contractors or employees of contractors who may be members of a third-party contract or under direct contract to KHSC, and individuals working on KHSC premises, but funded/employed through an external source (i.e. research and university staff on site).

**Credentialed Staff:** Physicians, dentists, midwives, extended class nurses.

**Conflict of Interest:** A divergence between an individual's private interests and their general professional obligations such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise.

**Extended Family Member:** Includes grandparents, parents-in-law, brothers-in-law, sons-in-law, daughters-in-law, aunts, uncles, nieces, nephews, first cousins, grandchildren, and great

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grandchildren. Any other relationships that may call into question this definition are to be discussed with the leader for clarification.

Immediate Family Member: Includes/partner (and same sex equivalent), parent, step parent, legal guardian, child, step child, and sibling, and any other member of the person's household. Any other relationships that may call into question this definition are to be discussed with the leader for clarification.

Leader: A non-union supervisor, manager, director, executive, credentialed staff (i.e. physicians and residents) who provides supervision to employees, including residents.

Management: Those who have responsibility to hire, terminate, reorganize the workplace and provide supervision for others.

Persons: Includes the Board of Directors and officers of KHSC, credentialed staff (i.e. physicians and residents), employees, management, contracted services, and people who do business at and on the premises of KHSC.

Primary Contact: For those persons who are not employees of KHSC, is the KHSC manager/delegate responsible for the role. Volunteers: the Director of Volunteer Services; Credentialed Staff: Director, Medical Affairs or Executive Vice President and Chief of Staff; Students: Instructor or KHSC educational supervisor, Contractors: the applicable KHSC liaison and/or overseer of the contract.

### Conflicts of Interest Examples

#### 1. Financial or Personal Interest.

Persons shall not have an undisclosed financial or personal interest in an external business with which KHSC deals.

Persons (individually, through a partnership, corporation or other business vehicle) shall not conduct a new private practice/business at KHSC unless prior written approval from KHSC has occurred.

Persons must examine their own activities and those of their immediate family to be sure that no such obligation or relationship creates (or appears to create) a conflict of interest.

Persons must disclose to their leader or KHSC's primary contact (if not an employee) any kind of known financial or personal obligation/relationship or interest that affects (or may appear to affect) their judgement in the transaction of business with outside firms/healthcare organizations, individuals, on behalf of KHSC. If employees or their immediate family members

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have a personal or financial interest that might present a real or perceived conflict or bias in connection with their duties as KHSC employees, they must report this in writing to their leader.

### 2. Reporting Relationships

Where a conflict of interest develops with an immediate or extended family member due to organization restructuring or factors beyond one's control that puts the individual into a supervisory and reporting relationship, immediate disclosure to your leader or primary KHSC contact is required. Examples of how this can be eliminated or managed are: make a change in reporting relationship or reassignment within the organization; apply for postings that meet his/her qualifications, and which would resolve the conflict of interest.

### 3. Use of KHSC Time and Resources

Persons must not use KHSC's time and resources for the benefit of personal outside activities or to create intellectual property for exclusive personal gain. For the purpose of this policy, intellectual property means any result of intellectual activity created by personnel or affiliate that can be owned by a person, and includes inventions, publications, computer software, industrial and artistic designs, compositions of matter, new or improved devices, systems, chemical compounds, and any other creation that can be protected under patent, copyright or trademark laws.

### 4. Gifts and Entertainment

Persons or their immediate family members shall not use their position/relationship with KHSC to solicit any cash, gifts or free services for personal benefit from KHSC or its Foundation, customer, donor, supplier or contractor. Gifts or entertainment from others should not be accepted if they exceed a nominal value, or otherwise improperly influence the organization's business relationship with or create an obligation to a customer, supplier or contractor.

Gifts and gratuities may vary depending upon the circumstance. Discretion must be used when determining whether a gift or gratuity is acceptable or not. If unsure, refer to your manager or primary contact (if not an employee).

The frequency of gifts received should be considered in all circumstances and, in some cases, discretion to seek approval by an employee's manager or primary contact (if not an employee) for accepting a gift may be required.

Invitations to social, cultural or community, events may be accepted if the cost is within the nominal gift value and attendance serves a customary business purpose such as networking and it is disclosed and approved by the employee's manager or primary contact (if not an employee).

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### 5. Supplier and Contractor Relationships

Persons should be aware of overt or covert attempts of existing or prospective suppliers/contractors to acquire information through them that is not generally available to the public. Where such an instance arises, refer to your manager or primary contact (if not an employee).

#### **Procedure**

1. All persons should actively review and be aware of existing and new activities/situations that can lead to a real or perceived conflict of interest.
2. If a real or perceived conflict of interest arises, make prompt and full disclosure in writing to manager or primary contact (if not an employee) of any actual, perceived or potential conflict of interest. The following information should be included when making the disclosure:
  - 2.1 A description of the actual or potential conflict;
  - 2.2 The nature of the personal interest, and;
  - 2.3 The identity of the person(s) or organization(s) that are implicated if other than the KHSC person.
3. The responsible manager/primary contact will review the particulars and decide if a real or perceived conflict of interest exists consulting with Human Resources as necessary.
4. The responsible manager/primary contact will decide what action is required, communicate the decision to the person and plan implementation

#### **Related Documents**

02-143 Workplace Violence Prevention

12-320 Code of Behaviour (Be Real)

#### **References**

- "Conflict of Interest", Providence Care Centre
- "Conflict of Interest and Conflict of Commitment", Queens University
- "Conflict of Interest Rules for Public Servants", Ontario Regulation 382/07.

Authorizing Signature:

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Dr. David Pichora  
President and Chief Executive Officer