

Governance Policy Six Conflict of Interest

Policy Number: 6

Date Approved: March 23, 2023

Date for Review: March 23, 2024



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Purpose

6.1 This policy has many purposes for Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director including for each member to:

- a. Outline the meaning of conflict of interest,
- b. Allow a declaration of initial conflicts of interest,
- c. Allow for a declaration of no initial conflicts of interest,
- d. Ensure everyone has knowledge about how to identify a conflict of interest to appreciate the ongoing obligation to declare if a conflict of interest arises, and
- e. Outline the process for Council to manage conflicts of interest.

Initial Obligation to Consider and Disclose a Conflict of Interest

6.2 Everyone, prior to starting their role with the Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director, must review Governance Policy Six, report any conflicts of interest and sign and date the declaration at the end of this Governance Policy Six.

Public Trust

6.3 Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director are in positions of protecting, engaging and maintaining public trust and accountability. For Council, this means Members must act in the best interest of the public and must place this interest ahead of the interest of any other person or entity. This also means carrying out duties and obligations in the individual's role such that public confidence is promoted as well as trust in the integrity, objectivity and impartiality of Council and Committee functions.

Conflict of Interest and Ongoing Obligations

6.4 A conflict of interest is a situation in which a member of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director have a direct or indirect private or personal interest that is enough to influence how the individual carries out their duties, and how and why they make or may make decisions.

Actual or Perceived Conflict

6.5 A conflict of interest may be an actual conflict or a conflict that would be perceived by a reasonable person with all the information to exist. This includes situations and decisions involving:

- a. A direct or indirect pecuniary or financial interest in the matter,
- b. An organization that the individual or someone from their family has a direct or indirect obligation to,
- c. A personal or professional relationship that extends beyond just knowing who a person is,

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- d. The individual or someone from their family holds a position in another organization and has duties to that organization whether as an owner, employee, board member, director, shareholder or contractor, and
- e. A professional association or union that the individual is involved in beyond merely having a membership in it.

Perceived Conflict is Conflict

6.6 It is not necessary that there is actual influence for a conflict of interest situation to exist. If there is a reasonable apprehension that one exists, then it must be declared.

Reference

6.7 Any reference to conflict of interest includes a real or perceived conflict of interest.

Ongoing Obligation to Disclose

6.8 There is an ongoing obligation to declare a conflict of interest to the Chair or their immediate manager or any changes in the initial reporting.

Gifts

6.9 Members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director must not directly or indirectly offer or accept cash, as electronic payments or negotiable instrument, gifts, gratuities, privileges or other personal rewards that are intended to influence the CMA. Modest gifts may be given and received during general business practices if the gifts are not cash, electronic payments or a negotiable instrument and the value of the gift does not exceed \$200.

Declaration of Conflict of Interest on Council

- 6.10 If there is a conflict of interest with a Council Member, Executive Director and Registrar or Former Chair, the conflict of interest must be noted in the minutes of the Council Meeting and the individual who has the conflict of interest must:
- a. Prior to any discussion of the matter at a Council Meeting, disclose the conflict to the Chair and if the Chair has the conflict, to the Vice-Chair,
 - b. At the Council Meeting, disclose the conflict of interest,
 - c. Not read any materials related to the discussion or the agenda item,
 - d. Remove themselves from the meeting for the duration of the discussion, and vote so they do not participate in the discussion, overhear the discussion or know who voted for or against the matter, if applicable, and
 - e. Not attempt to influence the materials, discussion or vote of the matter.

Declaration of Conflict of Interest in Other Circumstances

6.11 If there is a conflict of interest with a member of a Committee, Task Force, Administrative Body and an Inspector, and a specific matter that will be deliberated, discussed, decided upon, or acted upon, the individual must advise the chair or Executive Director and Registrar where this is not a chair, as soon as possible. The chair or the Executive Director and Registrar will decide how to proceed with the matter ensuring that there is an appropriate quorum or number of individuals to meet the obligations of the Act and Bylaws.

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Chair

6.12 If the chair of the Committee, or Task Force has a conflict of interest, they must discuss the matter with the Executive Director and Registrar to determine how to proceed.

Complaints Director or Hearings Director

6.13 If the Complaints Director or Hearings Director has a conflict of interest, they must immediately advise the Executive Director and Registrar who will decide with the individual how to proceed.

Signed Declaration

6.14 The following is to be completed by each member of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director.

I, _____ (insert printed name), acknowledge that I have read Governance Policy Six. I understand Governance Policy Six applies to me. I understand my duty to consider and declare an actual or perceived conflict of interest and that I have a continuing obligation to consider and declare an actual or perceived conflict if it arises. I understand the impact of the declaration and process. I understand I must follow this Governance Policy Six.

Complete the following as it applies:

___ Currently, I have no conflicts of interest.

___ Currently, I have conflicts of interest as follows:

By my signature below, I, _____ (insert printed name),

Declare the information above to be true and accurate.

Signed on _____, 202__.

Signature