



By-Laws Section 10.01

CONFLICTS OF INTEREST

- (i) All members of Council or its Committees have a duty to carry out their responsibilities to serve and protect the interest of the public. As such, they must not engage in any activities or in decision-making of any matters where they have a personal or financial interest, whether directly or indirectly.
- (ii) Council and Committee Members recognize that engaging in even an appearance of a conflict of interest can bring discredit to the College, would amount to a breach of the fiduciary obligation of the person to the College and can create liability for both the College and the person involved.
- (iii) A member of Council or its Committees shall be perceived to have a conflict of interest in a matter, if he or she holds a responsible position such as director, owner, board member or officer for, or is an employee of a Professional Association.
- (iv) A member of Council or its Committees would be perceived to have conflict of interest in a matter, if he or she holds a responsible position such as director, owner, board member or officer in or is an employee of another organization where his or her duties may be seen by a reasonable person as influencing his or her judgment in the matter under consideration of the Council or its Committees.
- (v) For the purposes of these By-Laws, the personal or financial interests, direct or indirect, of a parent, spouse, child or sibling of a member of Council or its Committees, or of a spouse of a parent, child or sibling of a member of Council or its Committees, are interpreted to be the interests of the member of Council or its Committees. Here, the term "spouse" includes a common-law spouse and a same sex partner of the person.
- (vi) Where a member of Council or its Committees believes that he or she may have a conflict of interest in any matter which is the subject of deliberation or action by the Council or its Committees, he or she shall consult, as needed, with the President, the Registrar or legal counsel and, if there is any doubt about the matter, declare the potential conflict to the Council or the Committee and accept Council's or the Committee's direction as to whether there is an appearance of a conflict.
- (vii) Where a member of Council or its Committees believes that he or she has a conflict of interest, including an appearance of a conflict of interest, in any matter which is the subject of deliberation or action by the Council or its Committees, he or she shall:
 - a. prior to any consideration of the matter at the meeting, disclose the fact that he or she has a conflict of interest;
 - b. not take part in the discussion of, or vote on, any question in respect of the matter;
 - c. absent himself or herself from the portion of the meeting relating to the matter; and
 - d. not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of other members on the matter.

- (viii) Any member of Council or a Committee who believes that another member of Council or a Committee has a conflict which has apparently not been declared, will, if possible, discuss the matter with the member. If the matter is not resolved to the satisfaction of the Member who perceives the conflict, she or he shall discuss it with the President. If the President believes it warrants further action he or she will:
- a. Cause an investigation of the alleged conflict to be had through the Executive Committee; Council will be informed.
 - b. The Executive Committee's findings will be presented to Council for resolution.
 - c. The decision of Council will be considered final.
- (ix) Every declaration of conflict of interest shall be recorded in the minutes of the meeting.
- (x) A member of Council or its Committees shall not use College property or information of any kind to advance his or her own interests, direct or indirect.
- (xi) A member of Council or its Committees may not hold any other position, contract or appointment, with the College while serving as a member of Council or its Committees. There is a one-year waiting period before the individual may apply for a staff or consultant position with the College. This includes, but is not limited to positions as peer assessor, investigator, examiner or staff.