

POLICY AND PROCEDURE MANUAL

POLICY	Conflict of Interest and Reasonable Perception of Bias		
SECTION	Framework and Governance	POLICY #	1 – 6
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POLICY STATEMENT

Members of Council, Committees, Staff and all those providing services on behalf of the College will discharge their duties with fairness, objectivity and impartiality. Such persons or entities will take reasonable steps to avoid or mitigate conflicts of interest or situations in which a possible conflict of interest might arise, or which might reasonably give rise to the perception of bias.

DEFINITIONS

Conflict of Interest: A situation in which a decision-maker or any person providing services on behalf of the College is in a position to positively or negatively influence outcomes that unfairly benefit themselves or any other person or entity either directly or indirectly.

This applies to a situation in which a decision-maker, staff or any other person providing services on behalf of the College has a direct or indirect monetary, professional, personal or private interest in any matter related to the activities of the College. The determination of a conflict of interest will consider but not be limited to proximity of relationships and temporal factors. A decision-maker may be indirectly interested in a decision or exercise of power that directly affects a partnership or firm to which the member belongs, his or her employer, a corporation of which the member is a shareholder, or an employee, supervisee or student. A member has a monetary interest in a decision or transaction by virtue of being a director or officer or otherwise a beneficiary of a corporation which stands to profit or loss as a result, or if its subsidiary would be monetarily affected. The interests held by a member's partner, agent, spouse, child, parent or spouse's parent may be imputed to the member.

Reasonable Perception of Bias: A situation in which an informed person, viewing the matter realistically and practically – and having thought the matter through – would reasonably conclude that the matter might not be decided fairly and impartially. Bias may include a situation where a decision maker has a financial interest in the outcome of the matter, a sufficiently close personal or professional relationship with someone who has a direct interest in the outcome of the decision, outside knowledge or involvement with a matter in dispute, or at any time makes comments or engages in behavior that a reasonable person would consider to be prejudicial to the proceedings.

PROCEDURE

1. When a conflict of interest or reasonable perception of bias arises or exists, the affected member of Council, Committee or any other person providing services on behalf of the College shall advise the President, Chair of the Committee or Panel, or Board, or Registrar of this, as appropriate, without necessarily disclosing the specific nature of the conflict or bias. Whether or not disclosure is made will depend on the procedure set out for the Council or specific committee where the conflict of interest or reasonable perception of bias arises or exists.

2. When there is an evident conflict of interest, the individual shall immediately cease to be involved in the matter and excuse herself/himself from any meeting dealing with the matter. The individual's departure from any meeting shall be recorded in any minutes kept of the meeting or any record of the proceedings.
3. When there is a reasonable perception of bias, the matter shall be referred to the Registrar. The Registrar shall determine what, if any, action should be taken in the best interest of protecting the public and the College with appropriate attention to due process and the rights of all parties. In making a determination on the appropriate course of action, the Registrar shall consider all information deemed pertinent. The Registrar's decision and the basis for the decision will be documented in a manner appropriate to the particular matter.
4. Potential conflicts of interest and reasonable perception of bias will be considered in the appointment and hiring of persons and entities providing services to the College.
5. There are certain College activities (e.g., Jurisprudence and Ethics Exam Committee, Registration Committee) where it may not be possible to avoid the potential for conflicts of interest or reasonable perception of bias arising. Of necessity, the College requires knowledge and expertise which may from time to time generate a conflict of interest or reasonable perception of bias. For activities for which this potential is foreseeable, each Committee or equivalent will have a specific procedure addressing and documenting how it will manage and mitigate conflicts of interest and reasonable perception of bias. In doing so, the College's general policy and procedures on this and related matters provide the core framework; nothing established by a Committee or equivalent shall contravene or otherwise limit the College's general policy and procedures.
6. The Registrar will require each member of Council, Committees, Staff , and any person providing services on behalf of the College to sign a Declaration, Undertaking and Agreement, at the time of his or her election, appointment, or renewal, stating that he/she has read, understands and commits to comply with this policy and these procedures as well as any specific procedures that may apply to a particular activity or committee. A similar Declaration, Undertaking and Agreement will be required annually from each member of staff.
7. The Registrar will require that any agreement entered into with external contractors shall include a statement of compliance with the College's policies and procedures respecting conflict of interest and reasonable perception of bias.