

1.13 - Conflict of Interest - Policy

Approved: August 22, 1995
Revised: March 29, 2022
Reviewed: April 18, 2023

The Carlton Trail College Board of Directors is responsible for carrying out its duties and responsibilities in an ethical manner while also protecting the integrity of the Board as a whole. Trust and confidence in the College can only be sustained if all forms of conflict of interest are identified, disclosed, and resolved. There is an obligation of each Board member demanding that there must not be, nor appear to be, any conflict between the private interests of the individual and his/her responsibility to the College.

A conflict of interest may be real, potential or apparent. Conflict of interest is defined as the following:

- Any situation where a Board member's private interests may be incompatible or in conflict with their duties and responsibilities as a member of the Board.
- Any situation where a Board member's membership in another organization may, or may be perceived, to influence their carrying out of duties and responsibilities as a member of the Board.
- Any situation in which Section 9 of the *Regional Colleges Act* may be violated.

Section 9 of the *Regional Colleges Act* states that "*no member of a board shall vote on any matter before the board or any committee of the board in which the member or any member of his immediate family has a direct or economic interest.*"

The above statement is intended to prohibit a Board member from engaging in any decision-making process that would give him/her a unique financial or other advantage or compromise the fair and honest discharge of the individual's duties, thereby avoiding a situation where it could be perceived that a Board member has used their position to influence a decision which had a direct or economic benefit to that individual. When adhered to, the Conflict of Interest Policy and Procedures do not unfairly deny the opportunity to have a board member's business serve the College simply because the business owner has agreed to serve on the Board.

A Board member shall not make application for, nor be eligible for, employment by the College. Members of the immediate family of a Board member shall not be eligible for employment by the College. For the purpose of the policy, "immediate family" is defined as the Board member's: spouse, common-law spouse, son, son-in-law, daughter, daughter-in-law, father, father-in-law, mother, mother-in-law, brother, sister, grandchild, and grandparent.

The implementation and administration of the policy is the responsibility of the Board. It is the responsibility of each Board member to act in good faith and comply with this Policy.

1.13 - Conflict of Interest - Procedure

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The duty to comply with the Conflict of Interest Policy is the responsibility of each Board member. This responsibility demands that:

- the Board member avoid circumstances where they could confer or appear to confer a benefit on him/herself; noting that when adhered to, the Conflict of Interest Policy and procedures do not unfairly deny the opportunity to have a board member's business serve the College simply because the business owner has agreed to serve on the Board,
- the Board member avoid giving unwarranted special consideration or preferential treatment to any person or organization for any reason,
- the Board member does not demand or accept a reward, gift, or favour of any kind from a person or organization with whom the member is, or may be, dealing on behalf of the College if the reward, gift, or favour could reasonably be deemed to influence the individual in the performance of his or her governance function, and
- the Board member does not use the College's resources for activities not associated with the official discharge of duties of the Board unless with prior approval of the Board.

Application of Guidelines

Board members will be required to complete the *Annual Declaration of Potentially Conflicting Interests* document (Appendix 1.13). Notwithstanding the completion of this document, Board members will be expected to declare a conflict of interest where it may be real, potential, or apparent as they arise throughout the year.

Declaration of a Conflict of Interest

If a Board member declares that a conflict of interest exists on a matter relating to his/her role on the Board, he/she shall bring it to the attention of the Board for consideration. The Board shall seek means to remedy or resolve the conflict-of-interest situation as it pertains to the related matter. The Board member must withdraw from a Board or Committee meeting while the matter is being considered to ensure they do not participate in the discussion or any vote on the related matter. The Board member must also not attempt in any way before, during or after the meeting, to influence the discussion or voting on the matter.

Claim of Conflict of Interest

If a Board member claims a conflict-of-interest situation may exist on any matter relating to their, or another's, role on the Board, he/she shall bring it to the attention of the Board for resolution. Similarly, the President and CEO shall bring a claim of a conflict-of-interest situation on any matter relating to a member's role on the Board to the attention of the Board for resolution if College management is informed of same.

The Board will determine, by majority vote, whether or not a conflict-of-interest situation exists.

If a Board member has been found to be in a conflict of interest, the Board shall seek means to remedy or resolve the conflict-of-interest situation.