

Conflict of Interest Policy

G-05

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| LONG TITLE | A Policy Respecting Conflicts of Interest for CUSA Elected Officials and Students-at-Large | DATE OF ENACTMENT | 24 March 1997 |
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| CATEGORY | Governance | COMPETENT CHAMBER | Council |

MANDATE or PREAMBLE

This Policy shall govern the declarations of conflicts of interests for all elected officials of the Association, non-Unionized employees, and any students-at-large executing the official business of the Association. It shall apply to all Bodies enumerated or analogous to those in this Policy. This Policy shall be reviewed every two years by Council.

INTERPRETATION

1 This Policy may be called the *Conflict of Interest Policy*.

2 In this Policy, the following definitions shall apply:

“applicable member” means an Executive member, Councillor, Director, or student-at-large entrusted with decision-making power or general influence on Council, the Board, or any other official bodies of the Association, including Clubs and Societies;

“body” means any group of more than two applicable members convened for official purposes by the Association;

“common interest” means a pecuniary or political interest of an applicable member for the outcome of a decision that is held in common with a broad group of students to whom they belong, such as those in a particular faculty;

“decision” means any official action of any body of the Association which involves the disbursement of public funds, the position of the Association on certain matters, or the interpretation and creation of legislation for the Association;

“elected official” means any applicable member who is also an Executive member, Councillor, Director, or any other acting on their behalf;

“meeting” means any regular, special, or other meeting of any Body;

“private interest or benefit” means the interest of an applicable member in the outcome of any decision that is personal or applicable to a tightly clustered group of persons, whether on- or off-campus, where the interest of the general public is indifferent or opposed to this private interest;

3 This Policy must be distributed to every applicable member upon their election or appointment to any applicable office.

CONFLICT OF INTEREST SITUATIONS

4 (1) A Conflict of Interest shall arise in any situation where an applicable member experiences a private interest in consideration of a decision of any Body of the Association.

(2) Such situations shall further include:

(a) the past receipt of benefits from any organisation now dealing with the Association;

(b) if an elected official, membership in a Union negotiating with the Association.

(3) Monetary payments given or received as a gift or favour in any amount will automatically constitute a Conflict of Interest, excepting just compensation from the Association for service performed.

(4) Private interests experienced by the close family or personal friends of the applicable member shall, if known to the member, be deemed also in the interest of the member.

5 There shall be a regular time on the agenda of every meeting generally comprising elected officials for the declaration of a Conflict of Interest, however, it shall be in order at any time to declare it.

CONFLICTS OF INTEREST AT MEETINGS

Voluntary Declaration of Conflict of Interest

6 (1) Where an applicable member, either on their own behalf or while acting for another, has, or believes they may have, any private interest, direct or indirect, in any matter and is present at a meeting of any Body of the Association at which the matter is considered, the member:

(a) shall inform the members of the Body and the relevant supervisor;

(i) For members of Council, the Speaker of Council,

(ii) For Directors of the Board, the Chair of the Board,

(iii) For the Vice President Finance / Secretary-Treasurer or Speaker of Council, the President/CEO, and

(iv) For the President or Chair of the Board, the Vice President Finance / Secretary-Treasurer.

(v) If any or all of the above are, or are believed to be, in a conflict of interest, another person designated by the appropriate Body.

(b) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof

(c) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(d) shall not attempt in any way whether before, during or after the meeting, to influence the action of the body or the Association on the matter.

(2) Where applicable members who are employees of the Association experience such a private interest, they further:

- (a) shall inform their direct supervisor and the President of the Association; and
- (b) shall be recused from any work, without discrimination of pay or wages involving the matter at conflict.

Involuntary Declaration of Conflict of Interest

7 (1) Where any applicable member or student-at-large believes another member has any private interest, direct or indirect, in any matter and is present at a meeting of a Body of the Association not generally comprising elected officials, the member:

- (a) shall inform the members of the Body and the relevant supervisor in writing;
 - (i) For members of Council, the Speaker of Council,
 - (ii) For Directors of the Board, the Chair of the Board,
 - (iii) For the Vice President Finance / Secretary-Treasurer or Speaker of Council, the President/CEO, and
 - (iv) For the President or Chair of the Board, the Vice President Finance / Secretary-Treasurer.
 - (v) If any or all of the above are, or are believed to be, in a conflict of interest, another person designated by the appropriate Body.
- (b) shall present evidence to prove the existence of the claimed interest.

(2) Where this evidence is deemed convincing by a majority of the Body, the provisions of section 6 shall apply to the member accused of private interest and shall be considered an involuntary declaration of conflict of interest.

Declarations of Conflict for Elected Officials

8 (1) Involuntary declarations during meetings of Bodies generally comprising elected officials shall, in addition to section 7, follow this procedure:

- (a) first, the member implicated may briefly present evidence to dispel the contention that a private interest exists;
- (b) second, the Presiding Officer of the meeting, or, should the Presiding officer hold a private interest, another so designated by the body, shall make a determination if the claimed interest does exist;
 - (i) this determination shall be made in consultation with sound expert advice on the matter,
 - (ii) this decision may be appealed by two-thirds of the members of the Body.
- (c) if the Presiding Officer declares the existence of such interest, the provisions of section 6 shall apply to the member accused of private interest, and shall be considered an involuntary declaration of conflict of interest.

(2) When an involuntary declaration of interest is made, the member implicated has the right to appeal to Council, unless the declaration was made by the Speaker of Council and the decision of the speaker was upheld on a motion of appeal. The decision can be further appealed to the Constitutional Board.

(3) Any declaration still undergoing an appeal shall not be recorded unless final, and all appeals should include consultation with expert analysis of evidence.

9 If quorum should be lost with the member declared in a conflict of interest, quorum will be considered to remain constituted.

CONFLICTS OF INTEREST OUTSIDE OF MEETINGS

10 An online submission form shall be made available on the CUSA website for reporting of conflicts of interest. Such reports from students-at-large or applicable members shall be made as items for information at the next meeting of the relevant body or bodies, and

- (a) can be accepted by the implicated member as a voluntary declaration; or
- (b) if supported by any other member of the Body, can follow with either the section 7 or 8 processes for involuntary declarations.

11 Council reserves the right to consider all cases of conflict of interest, whether on appeal to Council by the implicated member or not. All reports of conflict of interest relating to an employee of the Association, or an Executive Member, shall be presented to Council under section 8, not to any other Body.

RECORDING OF CONFLICTS OF INTEREST

12 (1) Every declaration of interest and the general nature thereof made under the previous sections shall be recorded in the minutes of the meeting, if the meeting is public.

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall be recorded in the minutes of the public next meeting, if the meeting or portions of it are not public.

13 Council, the Board, and the Executive shall each contribute to a common public registry in which shall be kept:

- (a) a copy of each statement filed under section 5.1; and
- (b) a copy of each declaration recorded under section 6.

EXCEPTIONS

14 An applicable member shall not be compelled to declare a conflict of interest if they:

- (a) Have not been affiliated with the relevant group within the past calendar year; or
- (b) Can demonstrably prove that their interest is a common and not a private interest.

15 If any applicable member can prove any section 14 exceptions before the body of which they are a member, the conflict shall not be recorded and no discipline is applicable.

INVESTIGATING CONFLICTS OF INTEREST

16 (1) Investigations into whether a conflict of interest exists may be ordered by a resolution of the Body or the Constitutional Board pursuant to an appeal from the applicable member.

(2) All investigations into whether a conflict of interest exists must involve the Vice President Finance / Secretary-Treasurer for guidance on process and practice, unless:

- (a) the conflict of interest exists with the Vice President Finance / Secretary-Treasurer, in which case the investigation must involve the Chair of the Board or any other person without a conflict of interest designated by the applicable body;

17 The supervisor, employer, chairperson, speaker, or other designated individual shall determine whether an actual or potential conflict of interest exists and, where a conflict is found to exist, either:

- (a) Provide written direction on the means by which that conflict may be removed or avoided; or
- (b) Refer the matter to the Vice President Finance / Secretary-Treasurer for further investigation and/or recommendation.

DISCIPLINE

18 Every applicable member contravenes this Policy who:

- (a) fails to declare (or have declared upon them) a conflict of interest; or
- (b) fails to follow the section 6 requirements for a member held in conflict.

Dealing with Minor Contraventions (Non-Disclosure)

19 Anyone who contravenes this policy under section 16 (a) may be subject to an involuntary declaration under section 7 or 8, as applicable, where the case will be heard by Council and no other body.

Dealing with Major Contraventions (Non-Cooperation)

20 (1) Anyone who contravenes this policy under section 16(b) may be tried by Council, and if found responsible by a 5/9 majority, the Speaker of Council may then:

- (a) reprimand the applicable member, issuing or calling for a motion of censure with the authority of the full Council;
- (b) suspend the remuneration paid to the member for a period of up to 90 days;
- (c) declare the member's seat, if an Elected Official, other than an Executive Member, vacant;

- (d) recommend the initiation of Impeachment procedures, if an Executive Member, or Expulsion, if another Elected Official;
 - (e) in combination with any of the above, disqualify the member from holding elected office in the Association for a period not more than two years; or
 - (f) if the contravention has resulted in personal financial gain, require the member or to make restitution to the party suffering the loss, or, if the party's identity is not readily ascertainable, to the Association.
- (2)** When exercising their discretion, the Speaker of Council or the Presiding Judicial Officer on appeal may consider, among other matters, whether the applicable member:
- (a) took reasonable measures to prevent the contravention;
 - (b) committed the contravention through inadvertence or by reason of an error in judgement made in good faith.

Appeals

21 An appeal can be made from any order under section 18, to the Constitutional Board, in accordance with all rules of that Board.

22 The Constitutional Board may give:

- (a) any judgement that ought to have been given, whereupon its decision is final; or
- (b) leave for another trial by Council for the purpose of considering new evidence.

23 Nothing in this Policy abrogates the right of any Body to impose its own standards of discipline upon its members, unless the applicable member is found not responsible by the Constitutional Board.

PARAMOUNTCY

23 In the event of conflict between any provision of this Policy and any provision of any other Policy, the provision of this Policy prevails.

APPENDIX 1 - EXAMPLES OF CONFLICT OF INTEREST

1 The following are all valid examples of typical conflict of interest scenarios, however, nothing in this appendix shall restrict what may be declared as a conflict of interest.

- (a) A Committee member who votes to give a Club or Society money for an event they wish to hold is not necessarily in a conflict of interest simply because she/he is a member of the Club/Society in question. However, if the Committee member is planning to attend said event, then the Conflict of Interest Policy shall apply, and the Committee member must declare the Conflict.
- (b) When a company employs an elected official bids on a corporate CUSA contract, that elected official is in a conflict of interest, and must remove themselves from any decision making process.
- (c) An elected official who is a former Club member, may be in a conflict of interest due to their former membership, when that Club has put a request to the CUSA Board, depending on the subject matter of the funding request.
- (d) A Councillor who feels placed in a conflict of interest due to a Motion at Council should immediately declare to Council, whether verbally or by a note to the Chair (which the Chair should then read aloud to Council), that they are in a conflict of interest. They should then remain silent during both the question period and debate on the motion. When the vote is called, you should abstain.
- (e) A Director whose family member works for a company bidding on a Corporation contract, where they know the contract will benefit that family member and the company, is in a conflict of interest.

2 In summary, you must exercise good judgement and common sense when evaluating potential conflict of interest situations. However: When in doubt, play it safe and declare a conflict of interest to protect your reputation, CUSA's reputation, and yourself from potential disciplinary action.