



POLICY ON CONFLICT OF INTEREST AND NEPOTISM



This policy was adopted for the first time by Board of Governors' resolution number 1442 on February 19, 1993 and subsequently amended by resolutions:

- 2691 March 30, 2012 (Board of Governors)
- 2818 March 21, 2014 (Board of Governors)

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Article 1 PURPOSE AND PRINCIPLE

1.01 The purpose of this policy is to set a framework under which the Board and the College employees may operate while avoiding situations which may constitute a conflict of interest or nepotism.

1.02 No employee or member of the Board shall exert any direct or indirect influence or derive any direct or indirect advantage or benefit by virtue of his/her position in the College.

(R. 2691, 2818)

1.03 This policy is subject to the *Canadian Charter of Rights and Freedoms* and the *Charte québécoise des droits et libertés de la personne*, the *Code civil du Québec* and any other applicable legislation.

(R. 2691, 2818)

Article 2 DEFINITIONS

2.01 The definitions set forth in Article 1.01 of Bylaw Number 1 of the College, as well as those appearing in the other bylaws of the College, apply to the present policy. However, in the present policy, the following expressions mean:

"APPEALS COMMITTEE": a standing committee of the Board, consisting of three external members, that hears appeals concerning policies adopted by the Board;

"ASSOCIATE": a business partner or other person who shares, either directly or indirectly, a business interest with a person covered by this policy;

"CONFLICT OF INTEREST": a conflict of interest is a set of circumstances that creates a risk that professional judgement and/or actions will be unduly influenced by a personal interest;

"NEPOTISM": favouritism given to a relative in a transaction undertaken on behalf of the College;

"PERSONAL INTEREST": personal interest includes financial gain, professional advancement, and the desire to favour family and friends;

"RELATIVE": the spouse, including common-law partner, as well as the father, mother, brother, sister, son, daughter, nephew, or niece of a person covered by this policy, as well as those of his/her spouse or common-law partner.

(R. 2818)

Article 3 SCOPE

- 3.01 This policy is subject to the *College Act*, and to the bylaws of the College. Notwithstanding the preceding, this policy shall cover all transactions related to the College bylaws and, namely but not exclusively, to Bylaw Numbers 4 and 5 concerning the management of human resources and finances.
- 3.02 Members of the Board and College employees, whether permanent or temporary, full-time or part-time, and any person acting as an employee of the College, are subject to this policy.
- 3.03 It is the responsibility of every person covered by this policy to disclose any situation which may constitute a conflict of interest or nepotism, and to withdraw from the decision-making process involved. Such disclosure shall be made to his/her immediate supervisor, or, in the case of a Board member, to the Executive Committee. Deliberate failure to do so constitutes just cause for disciplinary action, in the case of an employee, and disqualifies the offender for five years from being a member of the Board of the College, in the case of a Board member.

Article 4 APPLICATION OF THIS POLICY

- 4.01 Any person who is unsure of the application of this policy shall consult with the Secretary General of the College. The Secretary General may, if deemed necessary, refer, in writing, such consultation to the Appeals Committee of the Board.
- 4.02 Any person who becomes aware of a contravention of this policy shall inform, in confidence, the senior College officer at the location in question or may file a written and signed complaint with the Secretary General within ten (10) working days of the discovery of such contravention. The Secretary General shall, within ten (10) working days of the receipt of such complaint, conduct an investigation and file a report with the Appeals Committee. The Appeals Committee shall have thirty (30) days in which to render a decision.
- 4.03 Decisions of the Appeals Committee will be in writing and will be presented at the next regular meeting of the Board of Governors.

(R. 2818)