

Conflict of Interest Policy (DRAFT)

Preamble

The Students' Society of McGill University (hereinafter the "Society") is committed to making decisions with integrity, transparency, and objectivity. This policy applies to all Executive Officers, Councilors, Senators, and all others involved in decision-making (hereinafter "members") for the duration of their formal involvement with the Society. This policy guides members in independent decision-making, and helps the Society and its members in managing conflicts of interest, whether real or perceived. Before taking office, all members shall be briefed on the Conflict of Interest Policy and their responsibilities herein.

1. Definitions

- 1.1. **Conflict of Interest:** A conflict of interest is defined as a situation in which a member holds, as determined by the Ethics Commissioner, a personal interest that is sufficient to compromise the independence and impartiality that a member is obliged to exercise, which may cause him or her to act to the detriment of the Society. Provided the conflict of interest is appropriately recognized, disclosed, assessed, and addressed, the existence of a conflict of interest does not connote misconduct.
- 1.2. **Perceived Conflict of Interest:** A perceived conflict of interest is defined as a situation in which a member *appears to hold* a conflict of interest. Not all perceived conflicts of interest constitute real conflicts of interest.
- 1.3. **Personal Interest:** A personal interest is defined as an individual's financial and/or interpersonal advantage or benefit generally pursued without regard for the Society.
- 1.4. **Detrimental to the Society:** Detrimental to the Society is defined as actions that violate the Constitution, Bylaws, and Policies and/or that undermine the well-being of the Society and/or its members.
- 1.5. **Ethics Commissioner:** The Ethics Commissioner shall be the Society's legal counsel who shall help members identify and manage conflicts of interest in accordance with the Conflict of Interest Policy.

2. Avoiding Conflicts of Interest

- 2.1. **Preferential Treatment:** A member shall not use his or her position to influence a decision, so as to further one's own personal interests or those of a related party when acting on behalf of the Society.
- 2.2. **Use of Privileged Information:** A member shall not take advantage or derive benefit from information obtained in the course of his or her duties, which is not generally available to the public.
- 2.3. **Contracts and Financial Transactions:** A member who knowingly has financial interest in a Society contract or business transaction, must not represent or advise the Society on these matters. If a member becomes aware that he or she holds a real or perceived conflict of interest, he or she has a responsibility to disclose this conflict to the Ethics Commissioner who may report to the Financial Ethics Review Committee (FERC), if relevant.
- 2.4. **Hiring:** A member shall not engage in the hiring process for Society employees if he or she knowingly holds a real or perceived conflict of interest. If a member becomes aware that he or she holds a real or perceived conflict of interest, the member has the responsibility to disclose it to the Ethics Commissioner and to abstain from the hiring process.
- 2.5. **Outside Activities:** A member may not engage in any outside business or activity that is detrimental to the Society

- 2.6. **Gifts, Hospitality, and Other Benefits:** A member shall be prudent in choosing whether to accept a gift, hospitality, donation, or other benefit from a person, group, or organization which may influence a decision or result from securing a financial transaction between the aforementioned and the Society. A member may accept minor gifts as token courtesies (i.e., notepads, pens, coffee mugs, etc.), but may not accept gifts that may put him or her in a position of obligation that is detrimental to the Society. If a member has a doubt about the appropriateness of accepting a gift, hospitality, donation, or other benefit, the member should consult with the Ethics Commissioner.
- 2.7. **Use of Society Resources:** A member shall not use Society resources, including but not limited to office supplies, building space, or funding, for personal gain. The Society permits its members to use Society communication devices, including but not limited to email addresses, telephones, computers, and internet connections, for personal purposes. However, a member's use of Society resources should not be used to the detriment of the Society. A member should exercise good judgment when using Society communication devices to offer personal opinions. To avoid confusion, a member shall add the following notice where confusion may arise in written media: "The views expressed in this medium are mine alone and do not necessarily reflect those of the Society."

3. Procedure for Members who Believe Themselves to Hold a Real or Perceived Conflict of Interest

3.1. Disclosure of Conflicts of Interest to the Ethics Commissioner

3.1.1. Members shall be responsible for disclosing perceived and real conflicts of interests, as soon as they become aware of them, in writing to the Ethics Commissioner using the Potential Conflict of Interest Disclosure Form (*Appendix I*).

3.1.1.1. Except as required by law and stipulations of this policy, any information disclosed by members to the Ethics Commissioner is confidential unless the relevant member consents to its public release.

3.2. Determination of Conflicts of Interest

3.2.1. After reviewing the member's disclosure form, the Ethics Commissioner may determine:

3.2.1.1. There is no real or perceived conflict of interest;

3.2.1.2. There is a real or perceived conflict of interest that is permissible if appropriately addressed.

3.2.1.2.1. If the member is found to hold a real or perceived conflict of interest, the Ethics Commissioner shall iterate the management of the real or perceived conflict in accordance with this policy.

3.2.2. The Ethics Commissioner shall disclose in writing his or her determination to both the member and to the Chair of relevant decision-making bodies to which the member's real or perceived conflict of interest apply.

3.2.3. The determination of the Ethics Commissioner is final, with no opportunity for appeal.

3.3. Withdrawal from Deliberations and Abstention from Voting

3.3.1. If the Ethics Commissioner determines that a member has a real or perceived conflict of interest, he or she is responsible for stating this conflict to the applicable decision-making body before the start of deliberations, and to deferring to an alternate in the event that the member is the Chair of the aforementioned.

3.3.1.1. In the event that a member becomes aware of a real or perceived conflict of interest, but did not have a reasonable amount of time to address it with the Ethics Commissioner, he or she shall state this conflict to the applicable decision-making body before the start of deliberations.

- 3.3.2. A member shall resolve the conflict in the procedure outlined herein by abstaining from voting and, if appropriate, at the member's discretion or at the request of the Chair, withdrawing from the deliberations of the applicable decision-making body.
- 3.3.3. In the event that a member does not feel comfortable stating his or her real or perceived conflict, he or she reserves the right to abstain from deliberations without giving reason beyond the statement of a real or perceived conflict of interest.
- 3.3.4. If a real or perceived conflict of interest interferes with the achievement of necessary quorum for a vote and no alternate may fill in for the member, the decision-making body may use its discretion to determine a course of action.

4. Procedure for Members who Believe Another Member has Breached the Conflict of Interest Policy

4.1. Accusation of Breaches of this Policy

- 4.1.1. If a member (hereinafter "appellant") believes another member (hereinafter "accused") has breached the Conflict of Interest Policy, the appellant shall be responsible for disclosing this in writing to the Ethics Commissioner using the Potential Conflict of Interest Disclosure Form (*Appendix 1*).

4.2. Determination of Potential Breaches of this Policy

- 4.2.1. After consultation with the appellant and the accused, the Ethics Commissioner may determine that:
 - 4.2.1.1. There is no breach of the Conflict of Interest Policy;
 - 4.2.1.1.1. If the accused is found not to have breached the Conflict of Interest Policy, this shall be communicated in a written report distributed to the President, General Manager, Chair of the relevant decision-making body, appellant, and accused.
 - 4.2.1.2. There is a breach of the Conflict of Interest Policy:

4.3. Addressing Breaches of the Policy

- 4.3.1. If it is determined by the Ethics Commissioner that the accused has breached the Conflict of Interest Policy, the Ethics Commissioner shall provide a written recommendation to the President, General Manager, Chair of the relevant decision-making body, appellant, and accused, and the following procedures shall apply:
 - 4.3.1.1. Any breaches relating to Hiring may result in re-hiring when possible and/or the removal of the accused from office, upon the recommendation of the Ethics Commissioner;
 - 4.3.1.2. Any breaches relating to the use of Privileged Information or Financial Transactions may result in the removal of the accused from office, upon the recommendation of the Ethics Commissioner.
 - 4.3.1.3. Any breaches relating to Outside Activities may result in a re-vote on relevant matters in which the member in question abstains from voting, and/or the removal of the accused from office, upon the recommendation of the Ethics Commissioner.
 - 4.3.1.4. Any breaches relating to Gifts, Hospitality, and Other Benefits may result in the member being asked to return the gift or benefit or, where this is not possible, the financial value of the gift, hospitality or benefit, and/or the removal of the accused from office, all of which upon the recommendation of the Ethics Commissioner.
 - 4.3.1.5. Any breaches in the policy on Use of Society Property and Communication Devices may result in temporary suspension from use of the relevant property and/or communication

device(s) and the issuance of a formal apology for inappropriate conduct and/or removal of the accused from office, upon the recommendation of the Ethics Commissioner.

Post-Script

This policy is part of the Society's broader commitment to ethical and responsible action. The Society encourages its members to educate themselves about ethics and to ask questions whenever they encounter a situation which raises ethical questions they cannot readily answer. A culture of transparency, accountability, and integrity is essential to maintaining public faith in the Society while pursuing its best interests.

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Appendix I: Potential Conflict of Interest Disclosure Form

This form is to be submitted to the Ethics Commissioner of the Students' Society of McGill University (SSMU) by any member who has reason to believe that he or she may hold a real or perceived conflict of interest or by any member who has reason to believe that another member has breached the Society's Conflict of Interest Policy

Name:

Position held within the Society:

1. Brief disclosure of real or perceived conflict of interest:
2. Persons or groups likely to benefit from the real or perceived conflict of interest;
3. Persons or groups whose interests may be adversely impacted by the real or perceived conflict of interest:
4. The nature or value of any benefit, monetary or otherwise, which may be derived by a member or related party from the situation;
5. The benefit, if any, to be derived by the Society from the situation:

Signature:

Date:

This form should be submitted to the Ethics Commissioner either via email or in person at:

3600 rue McTavish, Suite 1200
Montreal, Quebec, Canada
H3A 1Y2

Resources:

McGill University Board of Governors. Code of Ethics & Conduct for Members of the Board of Governors of McGill University and Trustees for the Royal Institution for the Advancement of Learning.

SSMU Legislative Council. Conflict of Interest Policy. Adopted: 1 October 2009

McGill University Senate. Regulation on Conflict of Interest. Approved: 20 May 2009.

City of Toronto. Conflict of Interest Policy for Employees.

Government of Canada. Conflict of Interest and Post-Employment Code for Public Office Holders. Adopted: May 2006.

University of Toronto Governing Council. Policy on Conflict of Interest for Academic Staff. Adopted: 22 June 1994.

Harvard University Board of Governors. Policy on Conflicts of Interest and Commitment for Senior Officials and Administrators. Adopted: 26 May 2010.