

<i>Administrative Policy:</i>	Conflict of Interest
<i>Reference #:</i>	PADMIN_C091212
<i>Approved by:</i>	COUNCIL
<i>Date approved:</i>	September 2012
<i>Date Revised:</i>	n/a
<i>Attachments:</i>	Conflict of Interest Disclosure Form

CONFLICT OF INTEREST

Purpose

This policy defines conflict of interest and explains the duties of Council and committee members with respect to such conflicts.

The role of the CMO demands that it pay special attention to issues of independence and bias in order to maintain the integrity of, and public confidence in, its processes and decisions. It is essential that the work of the CMO is not compromised by any conflict of interest for those who execute it.

The overall purpose of this policy is to protect the legitimacy, integrity, trust, and credibility of the CMO and of those directly involved in the setting and enforcing of standards and the regulating of midwives.

The CMO Conflict of Interest Policy is designed to ensure that conflicts of interest are identified, communicated to the relevant parties, and managed to avoid any adverse impact on CMO decisions and processes, thereby protecting the public interest, Registered Midwives, the Council Member and the CMO.

Identifying a potential conflict of interest does not automatically mean that a conflict of interest exists – the purpose of the policy is to enable individuals to provide the relevant information necessary for each particular situation to be evaluated.

Application

This policy applies to Council members and non-Council members of College committees (together referred to as “Members”).

Policy

All Members have a duty to maintain the trust and confidence of the public in the integrity of the decision making processes of Council and College committees. To this end, Members must avoid or resolve conflicts of interest while discharging their duties to the College. Members must make best efforts to avoid situations that College members or a member of the public might perceive as a conflict of interest.

Definition and Description of Conflict of Interest

Section 9 of the CMO By-Law (the “by-law”) defines conflict of interest as Follows:

9.01 – Definition of Conflict of Interest For the purposes of this and all College by-laws, a conflict of interest may be real or perceived, actual or potential, direct or indirect.

9.02 – Perception of Conflict A member of Council or a Committee member would be perceived to have a conflict of interest in a matter if a reasonable person, knowing the relevant facts, would believe that the Council or Committee member’s position or relationship with another organization, or the Council or Committee member’s personal

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interests, whether financial or otherwise, would be sufficient to influence the objective discharge of the Council or Committee member's official duties.

The situations in which a potential conflict of interest may arise cannot be exhaustively set out. Conflicts generally arise in the following situations:

1. Interest of a Member: when a Member transacts either directly or indirectly with the College, or has a significant interest in a transaction or contract with the College;
2. Interest of a relative or association: when a Member, or her immediate family or practice/business partners, enters into any business arrangement with the College in which the Member is directly or indirectly involved;
3. Gifts: When a Member or a member of the Member's household or any other person or entity designated by the Member, accepts gifts, credits, payments, services or anything else of more than a token or nominal value from a party with whom the College may transact business (including a supplier of goods or services) for the purposes of (or that may be perceived to be for the purposes of) influencing an act or decision of the Council or a committee of the Council;
4. When Members exercise their powers motivated by self-interest or some other improper purposes. Members must act solely in the best interest of the College. Members who are nominees of a particular group must act in the best interest of the College even if this conflicts with the interests of the nominating party; and
5. Failure to disclose information: when Members fail to disclose information that is relevant to a vital aspect of the affairs of the College.

Process for Resolution of Conflicts of Interest

Acting in a conflict of interest is a breach of College policy and may be the basis for removal from Council or a Council committee. Sections 9.09, 9.10 and 9.12 of the General By-laws contain a process for disclosing and resolving a potential conflict of interest. If Council is not satisfied that a conflict is resolvable through the process in the General By-Law, Council may ask the Member to resign or may disqualify the Member.

A conflict of interest exists where a reasonable person would conclude that a council or committee member's personal or financial interest may affect her judgment or the discharge of his or her duties to the College. A conflict of interest may be real or perceived, actual or potential direct or indirect.

Process for Resolution of Conflicts in Council Matters

A council member who has or may have a conflict of interest in connection with council business shall consult with the registrar and disclose the conflict to council at the earliest opportunity, and in any case before council considers the matter to which the conflict relates. If there is any doubt as to whether a conflict exists, the member must declare it to council and accept council's decision as to whether a conflict exists.

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A council member who has a conflict of interest shall: (a) disclose the conflict; (b) leave the room when council is discussing the matter; and (c) not vote on the matter, or try to influence the vote.

Process for Resolution of Conflict in Committee Matters

A committee member who has or may have a conflict of interest in connection with a matter before a committee shall consult with the appropriate committee support representative. For adjudicative committees, the committee member should consult with the Hearings Office. The committee member should disclose the conflict at the earliest opportunity, and in any case before the committee considers the matter. The committee member shall accept the Chair's direction as to whether there is a conflict of interest and shall follow any steps the Chair takes or requires to resolve the conflict. Where the Chair has or may have a conflict of interest, the Chair shall accept the Executive Committee's direction as to whether there is a conflict of interest and any steps the Executive Committee so requires to resolve the conflict.

Record of Declarations

Declarations with respect to conflicts of interest shall be recorded in the minutes of the meeting.

Procedures

Council and Committee Meetings

1. All Committee and Council meetings will have as an agenda item a request for each Member to declare any conflict with respect to items on the agenda for that meeting.
2. It shall be at the discretion of an individual Member to identify whether they have a conflict of interest with respect to any particular agenda item or issue being discussed, as per the definition of Conflict of Interest in section 9.01 of the CMO By-Laws. This conflict should be declared when the agenda is read at the start of the meeting. Exceptionally, the Chair may declare the interest once the agenda item is opened if an unrealized conflict arises.
3. Once a conflict of interest has been declared, those Members without such a conflict for that agenda item shall determine whether the Member(s) with a conflict should: (i) Fully recuse themselves, meaning they shall absent themselves from the room for the duration of the item, (ii) Be in the room for the discussion, but not take part, (iii) Make an opening presentation on the matter, but otherwise abstain from participation in the discussion and voting, (iv) Be in the room for the discussion, and asked to comment at the Chair's discretion, and abstain from voting, (v) Take part in the discussion in the normal manner, but abstain from voting, (vi) Take part in both discussion and voting in the normal manner, noting details in the minutes of the interest that was declared.
4. The minutes must record the details of the member's conflict and the process by which it was managed.

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Panel Meetings

1. Conflict of interest will be determined prior to a Member being appointed to sit on any panel of a Committee of the CMO. This will be done through the use of a Conflict of Interest Disclosure Form (attached).
2. The administrative staff assigned to support a committee will circulate the Conflict of Interest Disclosure Form to all Members of the committee.
3. Members will complete the form, using section 9.01 of the CMO By-Laws to determine if they have a conflict.
4. The Chair of the Committee will be informed of any conflicts prior to appointing members to the panel. In cases where the conflict is unclear or may be a perceived conflict, the Chair will direct the staff member to consult with legal counsel for an opinion as to whether or not the particular Member should be appointed or not.
5. The Panel will be appointed from members who have indicated and deemed not to have a conflict. Panel materials will not be provided to members until this process has been concluded.
6. The meeting of the Panel will commence with the Members present affirming that they do not have a conflict of interest.
7. In the event that an unrealized conflict arises once the materials have been provided or the panel has met:
 - a. the Member will declare the conflict and will fully recuse themselves;
 - b. the Member will return all materials to the Chair;
 - c. the Chair may seek legal advice before continuing the consideration of the matter before the panel.



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Conflict of Interest Disclosure Form

The information requested on this form is being collected and used by the Chair of the <<committee>> Committee to evaluate the suitability of your appointment to a panel to consider a matter regarding a Registered Midwife.

CONFLICT OF INTEREST

A conflict of interest arises where you have a personal interest which conflicts, might conflict or may be perceived to conflict with the interests CMO. A conflict of interest could arise in relation to matters including but not limited to:

- an existing professional or personal relationship with a Registered Midwife who is the subject of the matter;
- an existing professional or personal relationship with a Registered Midwife involved with the matter;
- an existing professional or personal relationship with the complainant or reporter involved with the matter;
- involvement in a student / preceptor or registrant / supervisor role with the Registered Midwife, complainant or reporter involved with the matter;
- an existing or previous client / care provider relationship with the Registered Midwife who is the subject of the matter
- an existing or previous client / care provider relationship with the complainant or reporter or a Registered Midwife who is involved with the matter

Every potential appointee must disclose any obligation, commitment, relationship or interest that could conflict or may be perceived to conflict with her duties to or mandate of the CMO as the protector of the public interest.

COIN	
Parties involved:	

I, _____, confirm that I have no conflicts of interest with any of the above named parties.

Signature

Date

I, _____, confirm that I have a conflict of interest with one of the above party(ies) on the following grounds: