

POLICY P-011

Executive Committee
Approved by Council: February 18, 1995
Amended: November 15, 1996, November 26, 2004,
September 11, 2007, June 16, 2016,
November 29, 2018

Conflict of Interest for Council and Committee Members

Note to readers: In the event of any inconsistency between this document and the legislation that affects chiropractic practice, the legislation governs.

INTENT

To determine and define circumstances in which a potential and/or appearance of conflict of interest or appearance of bias ("conflict of interest") may exist or arise for a CCO Council or a CCO non-council committee member so the council or non-council committee member may declare the conflict and Council or a CCO committee can take appropriate action.

DESCRIPTION OF POLICY

A conflict of interest arises when a relationship or activity is reasonably seen as influencing a council or non-council committee member's ability to make a decision solely in the public interest and/or consistent with the objectives of CCO.

Reporting and Responding to a Potential Conflict of Interest

Where a Council member or non-council committee member has a potential conflict of interest in a matter coming before Council or a committee, the member shall declare the conflict prior to the matter being considered by Council or the committee. Council or the committee will analyse the potential conflict of interest, without that member present.

If Council or a committee determines that the member has a conflict of interest or appearance of conflict of interest on the matter, the member shall not participate in activity, the discussion of the matter, nor vote on the matter, and if the particular meeting is not open to the public, the member with the conflict shall leave the room both during the discussion and vote on the matter.

A member of the Inquiries, Complaints and Reports, Registration, Discipline and/or Fitness to Practise Committees who finds himself/herself faced with a conflict of interest shall disclose the situation to the committee for decision and, in the case of the Discipline Committee, the disclosure will also be made to both counsel. The decision as to whether the member is in a conflict situation will be determined by the committee as a whole.

An elected or appointed member of Council or non-Council committee member who becomes aware of any unreported potential conflict of interest shall immediately advise the President and Registrar, or if the potential breach involves the President, advise the Vice President and Registrar

Reporting of Conflict in Minutes

The minutes of every meeting or hearing where a conflict of interest or a potential conflict of interest has been disclosed shall record the information.

Conflicts of Interest Arising from Position on Council or Committee(s)

It is considered a conflict of interest for a Council member or non-Council Committee member to use his/her position on Council or a committee to:

- further or promote any activity, service or product in which the member of Council or a committee (or any member of his/her immediate family, employer or affiliated organization) has a financial interest;
- obtain, by virtue of his/her position on Council or a committee, any benefit, privilege, money, appointment, employment or any other personal gain ;
- be employed (either full-time or part-time) by any chiropractic association/society, other health profession council or association, or other organization that may be in conflict with the mandate of CCO (this excludes a teaching position at any chiropractic educational institution or the facilitation/presentation of a seminar, conference or workshop for which a per diem and/or expenses will be paid);
- campaign publicly for or on behalf of any person, other than himself/herself:
 - o in any election to CCO Council; or
 - o in any other political election in Ontario.

(e.g., it would be inappropriate for a candidate to use election material which includes comments such as "endorsed by Dr. X, CCO Committee Chair," etc.);

- receive information as a Council member or non-council committee member which is, in turn, used for a personal benefit;
- evaluate or take part in an evaluation of staff members when the Council member or non-council committee member has a personal or professional relationship with the staff member outside the office; or

- makes threats or promises or agreements related to his/her position on Council.

Conflicts of Interest Arising from Affiliations with other Organizations

A conflict of interest may arise where a council or non-council committee member, a close relative or friend or another close entity has a role or interest in an organization that may be in conflict with CCO's mandate, such as a chiropractic organization, society or specialty group, another health profession council or association, or government ("affiliated organization").

It is considered a potential conflict of interest for a council member or non-council committee member to:

- be an employee, officer or director of any affiliated organization, as identified in By-law 6.9;
- have an interest in a specific issue before CCO that is related to an affiliated organization;
- receive or use confidential information relevant to CCO from his/her role at an affiliated organization; or
- receive or use confidential information relevant to an affiliated organization from his/her role at CCO;

Conflicts of Interest Arising from Other Activities

A conflict of interest may arise where a council member or non-council committee member engages in an activity or is approached by an affiliated organization to engage in an activity that may be in conflict with CCO's mandate.

It is considered a potential conflict of interest for a council member or non-council committee member to:

- give a presentation or participate in a working group or task force for an affiliated organization;
- communicate with an affiliated organization on matters related to CCO, without the authorization of CCO;

- communicate to the public, including on social media:
 - on matters or opinions related to CCO without the authorization of CCO, or
 - messages inconsistent with CCO's mandate; or
- engage in legal proceedings against CCO.

Conflicts of Interest Involving Inquiries, Complaints and Reports

Where a Council member or non-council committee member or anyone associated in an official capacity with CCO:

- has an official complaint registered against him/her,
- that complaint has been validated by the Inquiries, Complaints and Reports Committee as being within the jurisdiction of CCO, and
- the complaint has been referred by the Inquiries, Complaints and Reports Committee to either the Discipline or Fitness to Practise Committees,

that Council member or non-council committee member shall be considered to be in a conflict of interest and shall not be active on Council or any committee until such time as the complaint has been disposed of. Should this occur, the Council member or non-council committee member has the right to an expeditious process.

Conflicts of Interest Involving Investigations, Assessments or Hearings of Related Members

A Council member or non-council committee member shall not participate in the investigation, assessment or hearing of a member to whom the member is related by blood, marriage, adoption, or who is a partner or associate of the member being investigated, or who is engaged in a relationship or strong friendship with the member being investigated, which might reasonably impair the member's objectivity.

If a Council member or non-council committee member has a professional or personal connection to a member or issue under investigation or before a discipline or fitness to practise panel, including a connection on social media, the Council or non-council committee member shall disclose this connection to the committee for a determination of a real or perceived conflict of interest and, in the case of the Discipline Committee, the disclosure will also be made to both counsel.

A connection on social media includes but is not limited to: being a friend, following or being followed by the member, and belonging to the same social media group as the member. The committee will then consider this conflict in accordance with the "Reporting and Responding to a Potential Conflict of Interest" section of this policy.

Conclusion

The reputation and high standards of the Council must be protected. Therefore, members of Council will avoid and/or report to Council any situation that could lead to a real or apparent conflict of interest which exists or may arise.