



BOG-CORP-01

Title: CONFLICT OF INTEREST AND NEPOTISM

CLASSIFICATION: BOARD OF GOVERNORS
FIRST ADOPTED: May 1980
AMENDED: January 2001 (371.6.3)

Article 1 Purpose and Principle

- 1.01 The purpose of this policy is to set a framework under which College employees and members of the Board of Governors may operate while avoiding situations that may constitute a conflict of interest or nepotism.
- 1.02 No employee or member of the Board may, directly or indirectly, him/herself or through a relative or an associate, have any interest in any contract (including employment contracts), with the College in connection with his/her duties. Further, he/she may not derive any benefit nor accept any gift, remuneration or promise in connection with his/her duties. This does not apply to an employee of the College with regard to his/her own contract of employment.
- 1.03 No employee or member of the Board shall exert any direct or indirect influence by virtue of his/her position in the College with respect to the hiring of a relative or associate.
- 1.04 No employee or member of the Board shall exert any direct or indirect influence by virtue of his/her position in the College with respect to the awarding of any contract from which he/she may derive a benefit.
- 1.05 An underlying principle of this policy is the responsibility of employees to act in the interests of their employer as stipulated under the first paragraph of article 2088 of the Quebec Civil Code which states, in part: *"The employee is bound not only to carry on his work with prudence and diligence but also to act faithfully and honestly ..."*

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:

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

"CONFLICT OF INTEREST": a situation where the personal interest of an employee is in conflict with the obligations he/she has towards his/her employer, in this case, the College;

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

"RELATIVE": the spouse, including *de facto* spouse, as well as the father, mother, brother, sister, son, daughter, nephew, niece, grandparent, grandson or granddaughter of a person covered by this policy, as well as those of his/her spouse or *de facto* spouse.

Article 3 Scope

- 3.01 This policy is subject to the Act and to the bylaws of the College. Notwithstanding the preceding, this policy shall cover all transactions related to the College bylaws, and specifically to Bylaws Number 4 and 5 concerning personnel management and financial management, respectively.
- 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 or on behalf 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 that may constitute a personal conflict of interest or nepotism, and to withdraw from the decision-making process involved. Such disclosure shall be made to his/her immediate superior, or, in the case of a Board member, to the Chair of the Board.

Article 4 Selection Committees

- 4.01 A member of a selection committee for a position in the College shall resign from the committee, upon the disclosure that a relative or associate is a candidate for the position in question.

Article 5 Hiring of Personnel

- 5.01 No person shall sign the authorization to hire or the employment contract of a relative or associate duly recommended for a position in the College. Such authorization or contract shall be signed by the immediate superior of the person, or, in the case of the Director General, the Chairman of the Board.

Article 6 Awarding of Contracts

6.01 No person shall sign, on behalf of the College, a contract that will benefit, either directly or indirectly, a relative or associate of that person. Such contract will be signed by the immediate superior of the person, or, in the case of the Director General, the Chairman of the Board.

Article 7 Expense Account Statement Approval

7.01 No person shall approve, as a superior, an expense account statement of his/her own expenses nor those of his/her relative or associate.

Article 8 Application of this Policy

8.01 Any person who is unsure of the application of this policy shall consult with the Director of Corporate Affairs of the College. The Director of Corporate Affairs may, if deemed necessary, refer such consultation to the Chair of the Board. For situations involving the Director of Corporate Affairs, the Director General shall substitute for the Director of Corporate Affairs for the purposes of this article.

8.02 Any person who becomes aware of a clear contravention of this policy is expected to file a written and signed complaint, in confidence, with the Director of Corporate Affairs within ten (10) days of the discovery of such contravention. The Director of Corporate Affairs shall, within thirty (30) working days of the receipt of such complaint, conduct an investigation and respond to the complainant.

8.03 Should the Director of Corporate Affairs deem that there is cause to proceed further with the complaint against an employee, the appropriate disciplinary process shall be instituted in accordance with Bylaw Number 4. In the case of a Board member, the Chair shall be advised of the complaint and the College shall take appropriate action in accordance with the Code of Ethics and Professional Conduct for Members of the Board of Governors.