



Conflict of Interest Policy

Adopted by the Legislative Council, 201X-XX-XX
Valid until 201X-XX-XX



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1) PREAMBLE

The Students' Society of McGill University (the "Society") is committed to making decisions with integrity, transparency, and objectivity.

This Policy applies to Directors, Councillors, Officers, Senators, committee members, staff, and all others involved in Society decision-making processes for the duration of their involvement with the Society. This Policy is intended to guide Members in independent decision-making, assist the Society and its Members in managing Conflicts of Interest – whether real or perceived – and provide a framework within which decisions in respect of Conflicts of Interest are made and, where appropriate, disciplinary measures imposed.

It is the intent of the Society that members be briefed on the Policy and its contents. Regardless of the briefing, all Members are responsible for upholding this Policy.



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2) INTERPRETATION

PART I: GENERAL

1. APPLICATION

Internal Regulations of the Presidential Portfolio-01 shall apply to the Conflict of Interest Policy.

PART II: DEFINITIONS

The following terms used in the Conflict of Interest Policy shall have the same definitions as those given to the same terms used in the Constitution.

- (a) **“Constitution”**
- (b) **“Councillor”**
- (c) **“Director”**
- (d) **“Election”**
- (e) **“Executive Committee”**
- (f) **“General Manager”**
- (g) **“Internal Regulation”**
- (h) **“Judicial Board”**
- (i) **“Legislative Council”**
- (j) **“Member”**
- (k) **“Nominating Committee”**
- (l) **“Officer”**
- (m) **“Policy”**
- (n) **“Simple Majority”**
- (o) **“Society” and “SSMU”**



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(p) **“Speaker”**

The following terms used in the Conflict of Interest Policy shall have the same definitions as those given to the same terms used in the Internal Regulations of the Presidential Portfolio.

(q) **“Day”**

(r) **“External”**

(s) **“In-Camera Session”**

(t) **“Steering Committee”**

(u) **“University”**

In the Conflict of Interest Policy, unless otherwise indicated:

(v) **“Breach of the Conflict of Interest Policy”** shall refer to a situation in which a Member has not properly addressed a Conflict of Interest or a Perceived Conflict of Interest by failing to address it and allowing it to affect the individual’s conduct of their Society activities in an inappropriate manner, as determined in accordance with this Policy;

(w) **“Conflict of Interest”** shall mean any situation that is sufficient to affect, or provide incentive to affect, the individual’s impartiality in their conduct of Society activities, including the events and circumstances detailed herein. Provided the Conflict of Interest is appropriately recognized, disclosed, assessed, and addressed, the existence of a Conflict of Interest does not connote misconduct;

(x) **“Financial Interest”** shall mean any financial interest of any kind which, in view of all of the circumstances, is substantial enough that it would, or reasonably could, affect a Member’s judgment with respect to such Member’s involvement with the Society;

(y) **“Interpersonal Interest”** shall mean any relationship a Member has with other individuals, including but not limited to a current or former romantic partner, friend, family member, colleague (from occupations including but not limited to remunerated work, student group activities, projects, student group leadership and campus publications), or roommate which would, or reasonably could, affect a Member’s judgment with respect to such Member’s involvement with the Society;



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- (z) **“Perceived Conflict of Interest”** shall mean a situation in which a Member appears to have a Conflict of Interest or any situation with creates the appearance of a Conflict of Interest in respect of a Member.

- (aa) **“Personal Interest”** shall mean any personal advantage or benefit that may be pursued by an individual, whether a Financial Interest, Interpersonal Interest, Professional Interest or otherwise; and

- (bb) **“Professional Interest”** shall mean any advantage or benefit that an individual may pursue regarding non-Society, professional affiliations or career opportunities that would, or reasonably could, affect a Member’s judgment with respect to such Member’s involvement with the Society.



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3) CONFLICT OF INTEREST POLICY

1. ETHICS COMMISSIONER

- 1.1 **RESPONSIBILITY.** The Society shall have an Ethics Commissioner who shall help Members identify and manage Conflicts of Interest and Perceived Conflicts of Interest in accordance with this Policy.
- 1.2 **QUALIFICATION.** The Ethics Commissioner shall be a Member who has completed at least four (4) full-time semesters in the Faculty of Law at the University, or equivalent, selected by the Nominating Committee.
- 1.3 **ADVISORS.** The Ethics Commissioner may, where required, take the following action:
 - (a) seek guidance in respect of this Policy from a committee comprised of the Society's President, Vice-President (Finance and Operations) and the General Manager; and
 - (b) upon the prior approval of the committee, delegate their responsibilities contained herein to the committee.
- 1.4 **CONFLICT OF INTEREST.** Where the Ethics Commissioner is placed in a Conflict of Interest or Perceived Conflict of Interest, the abovementioned committee shall substitute the Ethics Commissioner in all matters dealing with such conflict, the whole in accordance with the procedures set forth herein.
- 1.5 **REPLACEMENT.** In the event that the Society does not have the sufficient funds to hire an Ethics Commissioner, all of the duties outlined in this document shall be deferred to the Speaker.

2. CONFLICT OF INTEREST

- 2.1 **EXAMPLES.** The following events of circumstances describe situations which may be deemed as Conflicts of Interest or may give rise to a Conflict of Interest of Perceived Conflict of Interest and should be avoided by all Members:



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- (a) preferential treatment: a Member using their position to influence a decision so as to further their own personal interests or those of a party with whom they have an Interpersonal Relationship;
- (b) use of privileged information: a Member disclosing to any person, including a Personal Interest or Professional Interest, information obtained in the course of their duties as a Member, which information is not generally available to the public and which, once disclosed, may play or could reasonably be expected to place, the Member in a situation where the interests of the Society are in conflict with those of the person having received the information;
- (c) contracts and financial transactions: a Member who knowingly has a Personal Interest or a Professional Interest in a Society contract or business transaction. Such Member shall not represent or advise the Society on this matter;
- (d) hiring: a Member involved in a hiring process involving an Interpersonal Interest, including a family member, current or former roommate and/or a current or former romantic partner, or any other significant interpersonal relations. A Member who is part of a hiring committee is responsible for disclosing to said committee and the Ethics Commissioner where any person with whom he or she has an interpersonal relationship is a candidate for hire;
- (e) outside activities: Members should always prioritize the interests of the Society while conducting or participating in Society business. If an External activity or affiliation creates a Conflict of Interest or Perceived Conflict of Interest, the member must disclose it immediately to the Ethics Commissioner;
- (f) gifts, hospitality, and other benefits: Members 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, et cetera), but may not accept gifts that may put them in a position of obligation and under no circumstances any gifts from any person in excess of \$50 in value (be it individually or in the aggregate). If a Member has any doubt about the appropriateness of accepting a gift, hospitality, donation, or other benefit, the Member must refuse. The Member is welcome to consult with the Ethics Commissioner after such an



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occurrence to be better prepared for any similar situations which may subsequently occur; and

- (g) use of Society resources: Members shall not use Society resources, including but not limited to office supplies, building space, staff time, or funding, in pursuit of personal or professional interests. The Society permits its Members to use Society communication devices, including but not limited to electronic mail 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 CONFLICT OF INTEREST OR PERCEIVED CONFLICT OF INTEREST

- 3.1 **DISCLOSURE.** Where a Member becomes aware that they are in a Conflict of Interest or that a Perceived Conflict of Interest exists, including in respect of any of the matters outlined above, he or she must disclose this Conflict of Interest in writing, using the Potential Conflict of Interest Disclosure Form (Appendix I), to the Ethics Commissioner as soon as the Member becomes aware of the Conflict of Interest or Perceived Conflict of Interest.

4. CONDUCT PURSUANT TO CONFLICT OF INTEREST OR PERCEIVED CONFLICT OF INTEREST

- 4.1 **COURSE OF ACTION.** Prior to any board, committee or staff meeting or decision to which the Member is involved and pursuant to which a matter will be addressed to which the Member has Conflict of Interest or a Perceived Conflict of Interest, the Member shall disclose the existing of a Conflict of Interest or Perceived Conflict of Interest and the fact that the matter has been (or will be) reviewed by the Ethics Commissioner, following which the relevant decision-making body or responsible party may proceed as follows, the whole subject to any additional procedures outlined below:

- (a) barring the Member from any discussions on the matter being addressed;



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- (b) allowing the Member to be present during discussions but without allowing the Member to contribute to any such discussions or voting on the subject matter thereof;
- (c) allowing the Member to be present during discussions and allow the Member to contribute to any such discussions or voting on the subject matter thereof; and
- (d) allowing the Member to be present during discussions and voting on the subject matter thereof.

5. DETERMINATION OF CONFLICT OF INTEREST

5.1 POSSIBLE DETERMINATIONS. After reviewing the Member's disclosure form, the Ethics Commissioner may determine:

- (a) there was no Conflict of Interest or Perceived Conflict of Interest;
- (b) there existed a Conflict of Interest or Perceived Conflict of Interest that is permissible if appropriately addressed by the relevant decision-making body, including as outlined in this Policy; or
- (c) there existed a Conflict of Interest or Perceived Conflict of Interest that is not permissible and subject to the remedies outlined herein.

5.2 DISCLOSURE OF DETERMINATION. The Ethics Commissioner shall disclose in writing their determination to the Member in question.

5.3 EXISTENCE OF A CONFLICT OF INTEREST. Where a Conflict of Interest exists, and the member expresses no desire to appeal that decision as per appeal procedure provided in this Policy, the Ethics Commissioner shall forward the determination (placing appropriate consideration to the Member's right to confidentiality) to the chairs of the relevant decision-making bodies to which the Member's Conflict of Interest applies and to the Officer responsible for the portfolio within which the Member in question falls. For clarity, Councillors fall under the President's portfolio for the purposes of this Policy.

6. APPEAL PROCEDURE FOLLOWING A DETERMINATION

6.1 NOTIFICATION. A Member may appeal a decision of the Ethics Commissioner to the Judicial Board by notifying the Ethics Commissioner and the Judicial Board within five (5) days of the determination.



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- 6.2 SUBMISSIONS.** The Ethics Commissioner shall submit all relevant information to the Judicial Board and the Member shall submit to the Judicial Board a written statement outlining the reasons for appeal within five (5) days of the notice of appeal.
- 6.3 OPINION.** Following receipt of the written statement contemplated above, the Judicial Board shall submit their opinion within seven (7) business days to the Ethics Commissioner and the Member in question.
- 6.4 DECISION-MAKING BODY.** The Chair of the relevant decision-making body to which this Conflict of Interest may apply must be informed that its Member is currently involved in a seven (7) day appeals process, and that decision-making should be postponed if possible during that period. The Chair must respect the Member's right to confidentiality, according to this Policy and the recommendation of the Ethics Commissioner.
- 7. ACCUSATION OF BREACH**
- 7.1 DISCLOSURE.** If a Member believes another member has breached the Conflict of Interest Policy, the accusing Member shall be responsible for disclosing this in writing to the Ethics Commissioner using the Potential Conflict of Interest Disclosure Form (Appendix 1).
- 7.2 INFORMATION.** If the Chair, Executive and/or Ethics Commissioner who is informed of a Member's real Conflict of Interest believes the Member has breached this Policy, this Member should disclose this accusation immediately.
- 7.3 REFERENCE.** Refer to Sections 5 and 6 for applicable provisions following any accusation of breach.
- 8. WITHDRAWAL FROM DELIBERATIONS AND ABSTENTION FROM VOTING**
- 8.1 GENERAL.** If it is determined that a Member has a real Conflict of Interest, the Member is responsible for stating this conflict to the applicable decision-making body prior to the start of deliberations, and to deferring to an alternate in the event that the Member is the chair of the aforementioned body.
- 8.2 NOTICE.** In the event that a Member becomes aware of a Conflict of Interest, but did not have a reasonable amount of time to address it with the Ethics Commissioner, they shall state this Conflict of Interest or Perceived Conflict of Interest to the applicable decision-making body before the beginning of deliberations to prevent a breach in this Policy.



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- 8.3 RESOLUTION.** 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 or by Simple Majority vote of the committee, withdrawing from the deliberations of the applicable decision-making body.
- 8.4 RIGHT TO ABSTAIN.** In the event that a Member does not feel comfortable stating their Conflict of Interest or Perceived Conflict of Interest, they reserve the right to abstain from deliberations without giving reason beyond the statement of a Conflict of Interest or Perceived Conflict of Interest.
- 8.5 QUORUM.** If a Conflict of Interest 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.

9. ADDRESSING BREACHES OF THIS POLICY

- 9.1 PROCEDURE.** Any Conflict of Interest or Perceived Conflict of Interest shall be addressed in such a manner as to preserve the interests of the Society. Where the Ethics Commissioner determines that a breach of this Policy has occurred, the matter shall be referred to the relevant decision-making body to determine the consequence(s) of such breach, the whole in accordance with the following procedure, in circumstances of any Conflict of Interest or Perceived Conflict of Interest which are material or which cannot be effectively addressed except by a substantial change in circumstance:
- (a) the removal of the Member from the decision-making body or from office;
 - (b) any breach relating to hiring may result in re-hiring when possible and may result in removal from office;
 - (c) any breach relating to the use of privileged information or financial transactions may result in the suspension or removal from office;
 - (d) any breach relating to gifts, hospitality, and other benefits may result in the Member being asked to return the gift or benefit; donate the gift or benefit to a charitable or non-profit organization deemed suitable by the relevant decision-making body; where this is not possible, return or donate the financial value of the gift, hospitality or benefit; and/or removal from office; and



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- (e) any breach relating to the use of Society resources may result in temporary suspension from use of the relevant property and/or communication device(s) and the required issuance of a formal apology for inappropriate conduct and/or removal from office.

10. CONFIDENTIALITY

10.1 GENERAL. Except as required by law and this Policy, any information disclosed by Members to the Ethics Commissioner is confidential unless the relevant Member consents to its public release. This provision shall not apply to Directors, Officers, Councillors, Senators, or any other of the Society's elected representatives, except in the case that the Ethics Commissioner decides publication of such information would cause undue harm to the Member or another party; the Ethics Commissioner shall act in respect of constituents' right to access information regarding the conduct of their elected representatives.

11. POST-SCRIPT

11.1 GENERAL. 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 that 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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4) EMPLOYMENT OF COUNCILLORS

1. GENERAL

- 1.1 **CONFLICT OF INTEREST.** A Councillor who is also employed by the Society shall be deemed to be in a Conflict of Interest but may continue to serve as a member of the Legislative Council, provided certain conditions are met.
- 1.2 **NOTIFICATION TO SPEAKER.** Where a Conflict of Interest exists or arises, the Councillor shall notify the Speaker and the Ethics Commissioner of the Conflict of Interest:
 - (a) in the case of a Councillor who is employed by the Society at the time of their Election or who becomes employed by the Society shortly thereafter, prior to the first meeting of the Legislative Council at which they will serve as a Councillor; or
 - (b) in the case of a Councillor who becomes an employee of the Society during their term, prior to the next meeting of the Legislative Council.



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- 1.3 **NOTIFICATION TO THE LEGISLATIVE COUNCIL.** The Speaker shall notify the Legislative Council of the existence of a Conflict of Interest.
- 1.4 **ABSTENTION FROM VOTING.** Councillors with a Conflict of Interest shall abstain from voting on matters materially connected with their employment at the Society.
- 1.5 **REMOVAL FROM MEETINGS.** Councillors with a Conflict of Interest shall remove themselves from confidential sessions where the matters discussed are materially connected with their employment at the Society, but may be present for any In-Camera Sessions, provided they continue to comply with the requirement to abstain from voting on matters materially connected with their employment at the Society.
- 1.6 **CONFLICT OF INTEREST POLICY.** Councillors with a Conflict of Interest shall at all times comply with this Policy.
- 1.7 **FAILURE TO COMPLY.** Failure to notify the Speaker of a Conflict of Interest or to comply with any other provisions herein constitutes a violation of this Policy.

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 they 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:



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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 addressed to the Ethics Commissioner with a copy to the General Manager either via email or in person at:

Students' Society of McGill University
3600 rue McTavish, Suite 1200
Montreal, Quebec, Canada
H3A 0G3

General Manager: [Name, email]

Ethics Commissioner: [Name, email]

Additional 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.