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## **Senate Council Conflict of Interest**

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*Academic Operations Manual*

*Approving Authority: SJU Senate Council*

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*Office of Accountability: Vice President Academic and Dean*

*Administrative Responsibility: Vice President Academic and Dean*

### **1 Policy Statement**

All Senate Council members have a duty to the University to ensure that a high standard of integrity and ethical behaviour occurs in the discussions and decision-making processes of Senate Council and its standing committees, free from conflict of interest or potential or perceived conflict of interest. Accordingly, members must act honestly, in good faith, and in the best interests of the University's mission, values, and commitments. This policy is meant to protect both the individual and the institution and establishes guidelines for identifying, disclosing, and managing real or potential conflicts of interest that may arise in members' responsibilities and involvement in Senate Council affairs. It is important that all members understand their obligations when a conflict of interest arises.

### **2 Scope**

This policy applies to all members of Senate Council and Senate Council standing committees ("members") at St. Jerome's University in the conduct of Senate Council affairs.

Nothing in this policy is intended to amend or supersede any grievance procedure or other aspect of any applicable collective agreement, employment contract, or related University policies.

### **3 Definitions**

*Conflict of interest* means a situation where a member's personal interests, whether direct or indirect, may compromise, or have the appearance of compromising, the member's participation as a member of Senate Council or a Senate Council standing committee that is sufficient to influence deliberations or decisions for the benefit of the member or a group to which the member belongs or put into question the independence, impartiality, and objectiveness of said member to exercise their duties or responsibilities on such committee. A conflict of interest arises in a committee when a member stands to benefit personally or professionally as an

individual from a decision that is under consideration by the committee. A conflict of interest may be in competition with the interests, integrity, or fundamental mission of Senate Council, a Senate Council standing committee, or the University. A conflict of interest may be real or potential.

*Real conflict* exists when a member holds a personal interest, whether direct or indirect, that they are or should be aware of that could interfere with or unduly influence the member's behavior or decisions.

*Potential conflict* exists where a member can reasonably foresee that they have a personal interest, whether direct or indirect, that may be reasonably sufficient or be perceived to interfere with or unduly influence the member's behavior or decisions.

*Personal interest* is a private, professional, or financial interest of the member, or of those in a close relationship with the member (e.g., immediate family or friend, research collaborator, student-supervisor), that may give rise to a reasonable apprehension of bias. A personal interest may give the impression that there is a purpose or attempt to preferentially influence the outcome of deliberations whereby a decision would likely result in personal or professional gain.

## **4 Management of Conflicts of Interest**

It is incumbent upon members to declare, at any time, if a conflict of interest exists, be it real or potential, direct or indirect, prior to discussion of and decision on an issue that gives rise to the conflict. Members have primary responsibility for identifying and managing their own conflicts of interest as soon as they are reasonably aware and prior to engaging in the activity. Identification of a conflict is not a reflection on the integrity of an individual.

A conflict of interest, in certain cases, may not necessarily preclude the involvement of the member when it can be managed in a way that protects and serves the integrity and interests of Senate Council or the Senate Council standing committee and the University, and will stand the test of reasonable and independent scrutiny. But it does mean that the conflict shall be disclosed by the member, their participation in deliberations and voting allowed or disallowed, and any decision recorded in the minutes of the committee in question.

### **4.1 *Declarations of Conflict of Interest***

If a member identifies a conflict of interest in an agenda item, the member will declare the general nature of the conflict to the chair of the committee where the conflict arises as soon as reasonably possible prior to the meeting at which the matter is to be considered. The disclosure may be oral or written or both. Otherwise, the declaration would be made at the start of that particular meeting.

At the start of Senate Council and Senate Council standing committee meetings, the chair of the committee will ask members to declare if there are any agenda items

that are or may be perceived to constitute a conflict of interest for members. For agenda items to be discussed in closed session, the chair will call for declarations of conflict of interest at the beginning of the closed portion of the meeting. Members may nonetheless declare a conflict of interest at any time during a meeting.

The minutes will reflect that members have been asked to declare any conflicts of interest and whether there are any declarations made (prior to, at the start of, or during the meeting). The minutes will record, if applicable, where a member has left and returned to the meeting.

#### 4.1.1 *Real Conflict of Interest*

Having declared a real conflict of interest, the member will abstain from participating in any discussion or vote related to the matter and will recuse themselves for the duration of the discussion or vote, returning to the meeting only when the matter has been completed.

#### 4.1.2 *Potential Conflict of Interest*

Members are encouraged to declare potential conflicts of interest. It is at a member's discretion or at the request of the committee chair to decide how to proceed, though it may be in the best interest to abide by the procedures addressing real conflicts of interest. Normally, the member shall abstain from voting and may be requested to withdraw from the meeting for discussion or decision related to the matter.

#### 4.1.3 *Conflict of Interest Arising During Meeting*

If a conflict of interest arises at any time during the committee meeting, at the discretion of the chair, or by simple majority vote of the committee to determine whether a conflict exists, the member may be requested to refrain from voting on the matter or leave the meeting until the discussion or vote on that matter is completed. In the case of the chair, the vice chair will preside over proceedings related to that item.

#### 4.2 *Quorum*

If a recusal leads to a lack of a quorum, the remaining members are deemed to constitute quorum for the purposes of voting on the matter.

#### 4.3 *Access to Meeting Materials*

Where a member has declared or been found to have a conflict of interest in a matter which is to be considered, at the request of the committee chair, the recording secretary may withhold the materials related to the matter from the member until such time as the conflict of interest is no longer relevant.

## **5 Resolving Questions about Conflicts of Interest**

As circumstances are almost limitless, no set of procedures can prescribe all possible conflicts of interest.

Occasions may arise when it is unclear if a real or potential conflict of interest exists, including situations where a member may believe that another member is in a position of conflict of interest regarding a particular matter under consideration. In such cases, the committee chair will be asked for an opinion on the conflict of interest in a private discussion with the affected member, if possible in advance of any meeting at which the matter will be discussed. The chair will determine, if necessary in consultation with the committee, whether a real or potential conflict of interest exists and the appropriate course of action. Where the issue involves the chair, the matter will be referred to the vice chair in a similar process.