

POSITION STATEMENT

Position Statement
Number: 8.10

Effective Date: September 12, 2002
Revised Date: June 18, 2009
Review Date: June 18, 2011
Approving Body: Council
Authority: Council Chairs
Implementation: September 17, 2009
Applies to: Council & Committee
Members

TOPIC: CONFLICT OF INTEREST GUIDELINE FOR COUNCIL AND COMMITTEES

PURPOSE:

To provide clear guidelines for the management of Conflict of Interest in the College of Physiotherapists of Manitoba (CPM).

POLICY:

Conflict of interest is broadly defined as a situation in which an individual making a decision could be influenced, or could be perceived to be influenced by their personal, financial, or business concerns which are not in CPM's best interest.

1. An individual making decisions on behalf of CPM shall not use his/her position, or the knowledge gained there from, in such a manner that a conflict between the interests of CPM and his/her personal interests arises.
2. An individual making a decision on behalf of CPM has a duty to place the interests of CPM foremost.
3. An individual may not act on the behalf of CPM or participate in a conflict of interest or what appears to be a conflict of interest, nor use his/her position with the College to pursue or advance his/her personal interests, or another organization's interests except when adhering to approved CPM documented policies and procedures.
4. An individual making decisions on behalf of CPM must disclose if he/she has an interest in proposed decision or transaction of CPM in the form of significant personal or financial interest in the transaction or in any organization involved in the decision, or holds a position as trustee, director or officer in any such organization.
5. The Council must determine the appropriate management of the conflict of interest.

A Position Statement is a formal position of the College with which members shall comply.

6. CPM prohibits the conduct of personal business between an individual making decisions on behalf of CPM and CPM, except when adhering to Council approved policies and procedures.
7. CPM prohibits an individual who makes decisions on behalf of CPM from obtaining for themselves, their relatives, or their friends a material interest of any kind from their association with CPM, without approval from the Council.
8. Individuals are responsible to declare a conflict of interest or a potential conflict, even if they become aware of the conflict after the transaction is concluded or decision made.
9. Individuals who perceive a conflict of another member must follow the CPM procedures set for managing conflict of interest.

PROCEDURES: Managing Conflict of Interest

Introduction

These procedures provide assistance to individuals making decisions on behalf of The College of Physiotherapists of Manitoba in identifying and managing competing or conflicting interests in a manner which is fair, accountable, consistent and transparent.

It is not the intent of the conflict of Interest policy or procedures to prohibit all conflicts that might arise when making decisions on behalf of CPM but to provide means of managing conflict.

These procedures also provide a process to report and manage alleged breaches of the Conflict of Interest policy and procedures.

Identification of perceived or actual conflict or competing interest (s)

If the answer to either of the following questions is “no” the individual must declare a conflict of interest. If the individual is unsure as to whether a conflict exists, he/she will seek advice.

- Am I able to act impartially? (Conflict of Interest)
- Would a reasonably informed person, with access to the same information, also be confident that the relationship or activity would not impact negatively on my ability to act impartially? (Perception of Conflict of Interest)

Seeking Advice

If an individual is uncertain whether he/she is in a conflict of interest position, he/she can seek the advice of the Chair of the meeting, The CPM Registrar/Executive Director, or discuss this within the meeting and ask other meeting participants to rule how to manage the conflict.

A Practice Statement is a formal position of the College with which members shall comply.

Managing the Conflict

Individuals making decisions on behalf of CPM (volunteers and staff) must disclose conflict of interest by:

- Verbally disclosing conflict and withdrawing from all participation in the decision making proves including any attempts to influence decisions by other means.
- Declaring conflict, not giving the reason, and withdrawing if bias or influence will be set by disclosing the reasons for conflict.
- Completing the CPM Conflict of Interest Declaration Form. It is the responsibility of the member to update their Conflict of Interest Declaration Form should a significant decision or transaction which was not covered by the form on file arise.
- The Chair of the Council, committees, work groups and staff supervisors shall be informed of (potential) conflicts of interest declared by members of the Council , committee, workgroup or staff.
- If not already declared, members are responsible to declare a conflict at the time when a discussion and or vote on a matter in which he/she is conflicted is being held.
- If a member becomes aware of the conflict after the transaction is concluded or decision made, it is still necessary for the member to declare their conflict.

PROCEDURES: Reporting and Managing an Alleged Breach of Conflict of Interest

Reporting a Breach

Individuals involved in decision making on behalf of CPM are responsible to report breaches of the policies and procedures for conflict of interest in accordance with the process outlined herein:

1. If one individual perceives that another has breached the policies and/or procedures, he/she is responsible for discussing the perceived breach directly with the affected individual.
2. If, following such a discussion, the one individual continues to perceive that the other is in a breach, and are of the understanding that no corrective action is planned or underway, and then the perceived breach should be reported to the CPM Chair.
3. In an instance (e.g., theft, harassment) where it may not be appropriate to first discuss the situation with the individual perceived to be in breach, the situation will be reported directly to the CPM Chair.
4. In the event that the individual perceived to be in breach is the CPM Chair then the breach shall be reported to the Governance Committee/Human Resources Committee

A Practice Statement is a formal position of the College with which members shall comply.

Managing an Alleged Breach

1. Upon receiving a report of a perceived breach of policies and procedures regarding conflict of interest, the CPM Chair shall determine if the individual reporting the situation has adequately addressed the situation with the appropriate individual (s). If the reporter has not, CPM Chair may counsel the reporter to address the situation directly or the CPM Chair may address the situation himself/herself. This might include making the person who is perceived to be in conflict aware of the situation and following the above noted policy and procedure for identifying, disclosing and managing the conflict.
2. If the situation is not resolved under Step 1, the Governance Committee/Human Resources Committee will be asked to review the allegation that an individual has violated CPM's Conflict of Interest policy and/or procedures. The Governance Committee/Human Resources Committee shall have the authority to appoint investigators and/or auditors, gather information and documents, review information and documents, and seek outside counsel.
3. The review of allegations shall include the opportunity for the individual concerned to present his/her position.
4. Governance Committee/Human Resources Committee members who originate or are the subject of such complaints or disputes must declare conflict and absent themselves from such reviews.
5. After review, Governance Committee/Human Resources Committee will advise the individual and other appropriate people of the decision/ruling.
6. Where a breach of CPM 's policies and procedures has occurred, the Governance Committee/Human Resources Committee will advise on the plan to resolve the breach and propose what actions are to be taken to resolve the matter, which will include a follow up plan to ensure compliance and resolution.
7. Every attempt should be made to resolve such matters fairly, transparently and expeditiously.
8. Complaints of a grave nature may be referred to an independent arbiter for recommendations regarding solutions.
9. The Governance Committee/Human Resources Committee shall report decisions and outcomes of allegations regarding conflict of interest brought before the Committee to the CPM Council.
10. The recommendations regarding solutions of such matters shall be brought to the Council for approval.
11. The ruling of Council shall be final. Should the member refuse to abide by the ruling the Council may table the matter pending determination of disciplinary action.

A Practice Statement is a formal position of the College with which members shall comply.

Annual Declaration Concerning Conflict of Interest

I have read The College of Physiotherapists of Manitoba Conflict of Interest policy and Procedures for managing Conflict of Interest.

To the best of my knowledge and belief, except as disclosed herewith, neither I nor any person with whom I have or had a personal or business relationship is engaged in any transaction or activity or has any relationship that may represent a conflict of interest, as defined in the policy.

Further, to the best of my knowledge and belief, except as disclosed herewith, neither I nor any person with whom I have or had a personal, business, or compensated professional relationship intends to engage in any transaction, to acquire any interest in any organization or entity, or to become the recipient of any substantial gifts or favors that might be covered by the policy regarding conflicts of interest.

Without exception _____
initials

Except as described in the attached statement _____
initials

I agree to update of my Conflict of Interest Declaration Form, should a significant decision or transaction, which was not covered by the form on file, arise.

I understand that it is my responsibility to co-operate with the gathering of evidence for the investigation of claims of breach of policies and procedures related to conflict of interest.

I further agree to declare a potential conflict, even if I become aware of the conflict after the transaction is considered or decision is made.

Name: (print) _____

Signature: _____

Date: _____

A Practice Statement is a formal position of the College with which members shall comply.