



**POLICY**

**on**

**CONFLICT OF INTEREST**

**AND NEPOTISM**



This policy was adopted for the first time by Board of Governors resolution number 1442 on February 19, 1993, and subsequently amended by resolutions:

2691	March 30, 2012 (Board of Governors)
2818	March 21, 2014 (Board of Governors)
CRC-2023-044	April 5, 2024 (Board of Governors)
CRC-2023-058	June 14, 2024 (Board of Governors)

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**Article 1            PURPOSE AND PRINCIPLE**

- 1.1    The purpose of this policy is to set a framework under which Governors, Board Members, and Employees may operate while avoiding situations which may constitute a Conflict Of Interest or Nepotism.
- 1.2    No Governor, Board Member or Employee shall exert any direct or indirect influence or derive any direct or indirect advantage or benefit by virtue of their position in the College.
- 1.3    This policy is subject to the *Canadian Charter of Rights and Freedoms* and the *Charte québécoise des droits et libertés de la personne*, the *Code civil du Québec* and any other applicable legislation.

**Article 2            DEFINITIONS**

- 2.1    For the purpose of this Policy, the following expressions mean:
- a) "Act" refers to the *General and Vocational Colleges Act, 1977 Revised Statutes of Québec*, Chapter C-29 and its amendments.
  - b) "Board" refers to the Board of Governors of Champlain Regional College;,
  - c) "Board Member" refers to a person who sits on a Governing Board;
  - d) "Bylaw" refers to Champlain Regional College's most recent version of its bylaw;
  - e) "Champlain Regional College" or "College" refers to Champlain Regional College of general and vocational education and its Constituent Colleges;
  - f) "Chair" refers, depending on the context, either to (i) the Governor elected, for the College's fiscal year, by the Board to fulfill the role and responsibilities included in, but not limited to, article 4.3 of the College's bylaw 1 or (ii) the Board Member elected by the Governing Board to fulfill similar role and responsibilities with necessary adaptations;
  - g) "Code of Ethics" refers to Champlain Regional College's most recent version of its code of ethics and professional conduct for Governors and Board Members;
  - h) "Conflict of Interest" refers to a conflict of interest is a set of circumstances that creates a risk that judgement and/or actions will be unduly influenced by a Personal Interest;
  - i) "Constituent Colleges": refers to the constituent colleges of Champlain

Regional College, namely Champlain College Lennoxville, College Saint-Lambert and Champlain St. Lawrence;

- j) "Employee" refers to any person, regardless of classification, in a subordinate to Champlain Regional College and who is paid for his or her services through Champlain Regional Colleges payroll system;
- k) "Governance and Ethics Committee" refers to a standing committee of the Board created according to clause 5.2 of Bylaw 1;
- l) "Governing Board" refers to the institutional board of each Constituent College as per articles 48 and 49 of the Act;
- m) "Governor" refers to a person who sits on the Board;
- n) "Nepotism": favouritism given to a person, including a Relative, in a transaction undertaken on behalf of the College due to the relationship with that person and not that person's relevant competencies;
- o) "Personal Interest": personal interest includes financial gain, professional advancement, and the desire to favour a person, including a Relative or associate, due to the relationship with that person;
- p) "Relative": the spouse, including common-law partner, as well as the father, mother, brother, sister, son, daughter, nephew, or niece of a person covered by this policy, as well as those of their spouse or common-law partner.
- q) "Secretary General": refers to the person holding the office of Champlain Regional College's secretary general per clause 4.8 of the College's bylaw 1.

**Article 3            SCOPE**

- 3.1 This policy is subject to the Act, and to the College's bylaws. Notwithstanding the preceding, this policy shall cover all transactions and procedures related to the Bylaws and Champlain Regional College's policies.
- 3.2 Governors, Board Members and Employees, whether permanent or temporary, full-time or part-time, and any person acting as an employee of the College, are subject to this policy.
- 3.3 Every person covered by this policy must disclose any situation which may constitute a Conflict of Interest or Nepotism and withdraw from the decision-making process involved. Such disclosure shall be made by an Employee to their immediate

supervisor. In the case of a situation involving a Governor or a Board Member, the disclosure will be made to the (i) Secretary General and (ii) the Chair of Governors or the Chair of the Governing Board, as appropriate.

- 3.4 Deliberate failure to disclose a situation contravening this policy by an Employee constitutes just cause for disciplinary action.
- 3.5 Deliberate failure to disclose a situation contravening this policy by a Governor or a Board Member is a serious contravention of the Code of Ethics and may disqualify the offender for five (5) years from being a member of the Board and of the Governing Boards.

**Article 4            APPLICATION OF THIS POLICY**

- 4.1 Any person who is unsure of the application of this policy shall consult with the Secretary General. The Secretary General may, if deemed necessary, refer, in writing, such consultation to the Governance and Ethics Committee.
- 4.2 Any person who becomes aware of a contravention of this policy by an Employee informs, in confidence, the senior Champlain Regional College officer at the location in question who will then begin a disciplinary process in accordance with laws, regulations and relevant collective agreement or working conditions applicable to the Employee in question.
- 4.3 Any person who becomes aware of a contravention of this policy by a Governor or by a Board Member may file a written and signed complaint with the Secretary General within ten (10) working days of the discovery of such contravention. The Secretary General will then begin the procedures under clause 6.3 of the Code of Ethics and Professional Conduct for Governors and Members of Governing Boards without delay.