



Ontario College Quality Assurance Service

Service de l'assurance de la qualité des
collèges de l'Ontario

CONFLICT OF INTEREST	
Policy No.	OCQAS 07
Approving Jurisdiction:	<i>OCQAS Management Board</i>
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This policy addresses how the Ontario College Quality Assurance Service (OCQAS) staff, members of the Management Board and those conducting audits will identify and address actual, potential or the appearance of conflict of interest situations.

CONTEXT AND PURPOSE

The Ontario College Quality Assurance Service (OCQAS) Management Board is responsible for the integrity and reputation of the organization and the credibility of its operations. As such, individuals involved in the work of the organization must always act in the best interests of the organization. This policy is intended to minimize the potential for OCQAS operations and credibility to be undermined and harmed by interests that conflict with those of OCQAS.

STATEMENT OF POLICY PRINCIPLES

- The OCQAS Management Board, members of staff, those conducting audits, and others involved in the work of the Service:
 - a. Are expected to act in a manner that instills public trust and confidence in OCQAS and avoids any conflict of interest or the appearance thereof.
 - b. Must adhere to generally accepted conflict of interest principles established for public appointees.
 - c. Shall not knowingly participate in any decision that directly or preferentially benefits the member, or any individual or organization with which the member has an immediate family, personal, professional, or commercial relationship.
 - d. Must disclose any real, potential, or perceived conflict of interest they become aware of in relation to the work of the OCQAS.
- OCQAS will review allegations of conflict of interest made by persons within or outside of the OCQAS.
- In situations when it is not possible to avoid a conflict of interest, OCQAS will put in place a plan to manage it.

PROCEDURES

Members of the Management Board

1. Board members are in a clear conflict of interest when the Board is discussing or making a decision regarding a report or other matter that specifically pertains to:
 - a) their own college;
 - b) a college which they personally been employed by in the last two years;
 - c) a college which, regarding that matter at hand, they personally have been in a formal collaboration with or have personally provided support for;
 - d) a college which has been in direct significant conflict with their own college in the preceding 12 months.

There may also be other situations that present a conflict of interest for a Board member.

2. Where there is a conflict of interest with a particular item or matter in front of the Board:
 - a. The Board member must declare the conflict of interest.
 - b. The Board Chair will normally ask the member to leave the meeting immediately prior to when the Board begins dealing with the item. In exceptional cases, where there is a significant reason why the member should stay during the discussion of the item, the Board Chair may ask the Board to approve the member staying for the discussion. The member in conflict of interest must still be absent at the point that the Board decision on the item is being taken.
 - c. The Board Chair will ask the member to join the meeting once the decision is made.
 - d. The conflict of interest and process to manage it will be recorded in the meeting minutes.

OCQAS Staff and Others Engaged in OCQAS Work such as Secondees and Consultants

3. OCQAS staff are expected to proactively identify their own bias and potential conflict of interest that in any way could affect the goals and decisions related to that person's OCQAS work.
4. OCQAS staff are expected to identify potential third-party observer perceptions that could bring into question their own ability to make a proper decision due to the individual's personal, or professional interests.
5. Conflict of interest for OCQAS staff and others engaged in OCQAS work includes decisions (e.g. program validations, CQAAP audits) and work that relates to a college that within the last five years, they have been employed at or they have participated in a formal collaboration with.

6. OCQAS staff and others engaged in OCQAS work who find themselves in a conflict-of-interest situation in the exercise of their duties and work:
 - a. Are encouraged to take steps within their scope to remove themselves from the conflict-of-interest situation. This may involve asking someone else to take over the work or responsibility where the conflict of interest exists.
 - b. Must declare in writing to the Executive Director when the conflict-of-interest situation has not been or cannot be resolved through “a.” above.
 - c. It is the responsibility of the Executive Director to manage the conflict-of-interest situations through means such as removing the person from the work which involves the conflict of interest, or allowing the person to continue the work but mitigating the conflict by having their decisions and work reviewed by another individual to ensure that it has not been affected by the conflict of interest.
7. In cases where the Executive Director is in a conflict-of-interest situation that cannot be resolved by them, the Executive Director must declare it to the Board Chair who will determine how to manage it.
8. When conflict of interest situations arise, the organization or individual who could potentially be impacted by the conflict of interest is to be notified of the conflict-of-interest situation and how it has been mitigated.
9. The Executive Director must report serious instances of conflict of interest to the Management Board, including any instances that may impact the credibility or reputation of OCQAS with external stakeholders or the public.

CQAAP Auditors

10. CQAAP auditors may not be part of the OCQAS audit panel for their own college or a college they worked for in the past five years. They may also not be part of the audit panel for a college if in the past five years:
 - a. they have provided CQAAP support for or personally have been involved in a formal collaboration with that college.
 - b. that college has been in significant direct conflict with their college.
11. CQAAP auditors must disclose in writing all past or current connections to either the institution being audited or private sector partner of that institution to the Executive Director of the OCQAS prior to accepting an audit engagement.
12. Auditors must inform the Executive Director in writing of any other conflict-of-interest situation that is encountered at any point during the audit activities.
13. When the Executive Director is informed that an auditor has a conflict of interest, the Executive Director will determine whether the auditor is allowed to participate in that audit, and if so, how the conflict of interest will be managed. In cases where a conflict of interest cannot be avoided, it still must be addressed and managed to

best extent possible.

Allegations of Conflict of Interest

14. Allegations of conflict of interest from individuals who are not self-reporting the conflict must be submitted in writing to the Executive Director of OCQAS.
15. OCQAS will acknowledge receipt of the allegation submission within five (5) business days of receipt.
16. The Executive Director is responsible to have the allegation investigated and dealt with as soon as possible.
17. If the allegation is not substantiated by the investigation, this will be communicated in writing to the person that submitted the allegation.
18. If the allegation is substantiated by the investigation, addressing the allegation may involve:
 - a. Removing the person who is in conflict-of-interest from that situation if that situation still exists currently.
 - b. Changing the decisions or other work made by the individual in conflict of interest if those have been influenced by the conflict of interest except where this is not possible or will not produce the best outcome, all things being considered.
19. A brief summary of the outcome of the allegation investigation and response will be communicated in writing to the person who submitted the allegation to the extent allowed for by protection of individual privacy.

Dealing with Situations where Conflict of Interest Has Not Been Handled Appropriately

20. In cases where conflict of interest has influenced or tainted decisions or other OCQAS work, reasonable efforts will be taken to remediate the impact of the conflict of interest. This may include reviewing and changing decisions participated in by the person who is in conflict of interest.
21. In cases where an individual has knowingly and willfully engaged in decisions and work that involve conflict of interest, disciplinary measures may be taken ranging from a formal warning to dismissal from their position, depending on the seriousness of the case.
22. Individuals or organizations who may have been impacted by the conflict of interest will be informed that OCQAS is aware of the situation and has dealt with it as appropriate. Broader communication may be undertaken in situations where OCQAS's credibility and reputation are at stake.

DEFINITIONS

Conflict of Interest: An actual or potential conflict of interest arises when a person is placed in a situation in which his or her personal interests (professional, financial, or otherwise) or the interests of an immediate family member or of a person with whom there exists, or has recently existed, a personal or professional relationship could compromise their judgement decision or actions.

Perceived Conflict of Interest: A situation where it could appear to a reasonable and well-informed person, that a staff, Management Board or audit panel member's personal interests could put into question the performance of their duties and responsibilities. For purposes of this policy, the term "Conflict of Interest" includes "Perceived Conflict of Interest".

RELATED POLICIES & LEGISLATION

Policy OCQAS 06 – MANAGEMENT BOARD ROLES AND RESPONSIBILITIES

Policy OCQAS 08 – APPEALS PROCESS