

The United Church of Canada
Shining Waters Regional Council

REGIONAL COUNCIL EXECUTIVE: CONFLICT OF INTEREST

This policy provides direction to members of the executive and others appointed by the executive on when to participate and when to refrain from participating in Executive discussion and decision-making.

Date Approved: February 6, 2019	Review date by the Executive: 2021
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Members of the Executive and others appointed by the Executive to any position owe a duty of undivided loyalty to the United Church as represented by the Regional Council. Individuals must not put themselves in a position where their own interest may conflict with their duty to act in the best interest of The United Church of Canada and, more specifically, the Regional Council.

It is important to remember that even if there is no actual conflict of interest, from the outside it may look like there is one. It is critical to avoid both actual and perceived conflicts of interest. If someone participates in a decision when they are in a conflict of interest, either real or apparent, the decision may be subject to appeal or a legal challenge.

GENERAL

Definition: “Member” is defined as a person serving on the Regional Council Executive or appointed by the Executive to serve on any Regional Council committee or task group.

“Body” is defined as the Executive, committees, task groups, etc. “Community of Faith” includes, but is not limited to, congregations, outreach ministries and region-recognized ministries.

A conflict may be monetary or non-monetary:

- a) a monetary conflict arises when a member is considering a decision that may have a monetary effect, either positive or negative, on that member of the Executive or a person close to that member, i.e. a relative or friend.
- b) a non-monetary conflict arises in any circumstance where a member is constrained in any way from acting in the best interest of the United Church and, more specifically, the Regional Council. That could occur when a member or a person close to that member, i.e. a relative or friend, stands to gain a benefit or could be seen to benefit in some non-monetary way from a decision the Executive is considering.
- c) a conflict may occur when the Executive is voting on funding applications which specifically benefit the member’s community of faith.

Members must avoid situations where their duty to the United Church and, more specifically, the Regional Council is in a conflict with a duty they owe to another organization or another part of the United Church. That could happen where a member serves another organization as an employee, contractor, or in an elected leadership role.

PRINCIPLES

Members must not participate in any decision that could result in direct or indirect benefit to them.

Members must not give preferential treatment to relatives or friends or any other organization in which they have an interest.

Members must not benefit from the use of information acquired during the course of their participation if that information is not generally available to the wider church.

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Members must not use any property provided by the Regional Council for any activities other than the work of the Regional Council.

Members must not accept or offer, or agree to accept from a person who has dealings with the body, any regard, advantage or benefit of any kind, directly or indirectly.

Members must not place themselves in a position where they are under obligation to another person or body who might benefit from special consideration or favour, or who might seek preferential treatment.

Exceptions:

a) Monetary conflicts: It is not a conflict of interest if, in the opinion of the body, the member's monetary interest is substantially the same as the monetary interest of all other members, e.g. the setting of a travel rate for the Regional Council.

b) Non-monetary conflicts: It is not a conflict of interest if, in the opinion of the body, the member's conflict is so remote that it is not likely to affect the member's decision.

c) Regional Council Executive members are expected and have the responsibility to represent the whole Region. There may be times when the discussion is focussed on the member's community of faith. It is not a conflict of interest for such a representative to participate when the Executive is considering a decision that affects the particular community of faith with the exceptions of the Executive,

i) considering a decision to enact Section B.2.1.8.c of *The Manual 2019* "the authority of the regional council to assume control of the community of faith in extraordinary circumstances where the community of faith is unable to or refuses to meet its responsibilities or acts outside of denominational or regional council policies."

ii) considering a grant application to the community of faith of the member.

d) Waiver of conflicts: In waiving the conflict, the body must ensure that its decision will not negatively impact the transparency and integrity of the body's decision-making.

PRACTICE

Knowledge/awareness: Members must be constantly aware of the need to avoid situations that might result in a conflict of interest.

Identifying conflicts: Members must consider whether any particular item of business presents a conflict of interest for them. If unsure, the member may seek advice in discerning whether a conflict exists.

Disclosing conflicts: A member informs the body of the conflict at the earliest opportunity once the member becomes aware of the conflict.

Refrain from participation: If the member stands to benefit from a decision as described above, or is in a conflict as described above, the member shall refrain from all participation except to answer any questions for clarification that might be possible because of having information that the body requires to make an informed decision. When any questions have been asked, the member shall leave the room while further discussion continues, and shall abstain from the actual vote.

Responsibility of other members: If a member fails to notice, or to declare, a conflict of interest, any other member may raise the matter. Once the issue has been raised, the member with the conflict of interest will act according to the paragraphs above.

Decision by body: If a dispute about conflict of interest continues, the chair of the meeting shall call for a vote on whether the member is considered to be in a conflict of interest.

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Documentation: The minutes of the meeting shall record all actions regarding conflict of interest.

The following definitions may be helpful to differentiate between privacy, confidentiality, transparency, and secrecy. Privacy, confidentiality, and transparency are essential for building trust. Secrecy, on the other hand, will impede trust.

Definitions: (Pastoral Relations Regional Council Liaisons Handbook January 2019)

- Privacy belongs to one individual only. Most people are aware of the importance of respecting the right to privacy, that is, honouring an individual's control over how and with whom personal information can be shared. This right is protected by Canadian law in the Personal Information Protection and Electronic Documents Act (PIPEDA).
- Confidentiality means ensuring that information gained in private discussion is not disclosed to others inappropriately or used out of context. In order to maintain trust and the integrity of a process, it can be necessary to withhold some information. Confidentiality is a required condition for participants of certain groups to ensure that what is said in the group stays in the group. This enables people to speak freely about private or controversial issues without being held to account beyond the group and context where the words are spoken.
- Transparency means that methods and procedures are clear and open and can be questioned. It operates on the democratic principle that people have a right to know about the systems that affect their well-being. It means that people will know and have a say in how information is used, who sees it, and how it fits into the larger picture.
- Secrecy is the opposite of transparency. It is the condition of withholding information for the purpose of control. It is a situation in which only a few are privy to certain information and everyone else is excluded, whether or not the information could potentially affect them. When people suspect, rightly or wrongly, that a few "insiders" are making decisions for others, mistrust can take hold.