



Pre-meeting Conflict of Interest Disclosure/Declaration Form

Purpose of Form:

To avoid and, where avoidance is not possible, manage conflict(s) of interest of the College of Kinesiologists of Ontario (the College) Council, Committee and Working Group members. This document will be available to the public.

Definition:

Conflict of interest means generally any situation or circumstance in which a Council or Committee or Working Group member (the “Member”) has or promotes a personal, private, professional, or financial interest which results in or may be reasonably perceived to result in:

- 1) An interference with the objectivity with which the Member is expected to exercise responsibilities and official duties to and on behalf of the College; and/or
- 2) An advantage or material gain to the Member, and/or to other persons with whom the Member does not deal at arm’s length, by virtue of the relationship of the Member to the College.

A conflict of interest may be real or perceived, actual or potential, direct or indirect, including benefitting family members and/or other close associates. Because the circumstances of each case are unique, it is impossible to define in advance all forms of conflicts of interest.

However:

- 1) A “real” conflict of interest exists when a reasonable person, knowing all the circumstances, would believe that a Member’s judgment would be influenced by the competing consideration;
- 2) A potential conflict of interest is where a conflict of interest is not real at the time of the decision/transaction, but given the right set of circumstances, could manifest in the future so that they may benefit; and
- 3) A perceived conflict of interest exists when, even though an actual conflict does not exist, a reasonable and objective observer viewing a Member decision/transaction would conclude that a Member participating in the decision/transaction will or may benefit from the decision/transaction.

The reference to “conflict of interest” refers to all manifestations of the conflict.

For greater clarity, a Member has a conflict of interest where:

- 1) A reasonable person could conclude that the personal and/or financial interests of the Member or a related person could influence the Member's judgment in performing their duties;
- 2) The Member is not directly involved with the matter and attempts to influence another individual or College staff who are involved with the matter;
- 3) There is an actual, potential or perceived use of College property and/or information for personal gain;
- 4) There is an actual, potential or perceived use of the member's position on Council or committee or working group for personal gain, such as employment, appointment or money;
- 5) There is an appearance of bias (an appearance of bias being a preconceived idea in favour or against one thing, person, or group compared with another, or any personal interest or view that could be reasonably seen as precluding a Member of exercising fair evaluation of all information and objective judgement and decision making); or
- 6) The Member's position (either present or previous) with another organization affects their decision-making abilities.

A benefit is received *directly* by a Member if they receive the benefit themselves. A benefit is received *indirectly* if it is received by a member of their immediate family, by a close associate, or by a corporation or other organization in which the Member has an interest.

Self-screening Questionnaire:

In considering whether there is a potential conflict, reflect on the following questions and keep in mind not only your own perceptions, but how others may see you. Here are some examples:

1. **Competing Interests:** Do you have any obligations (including fiduciary obligations) to another group/organization that are competing or inconsistent with those of the College and its duty to act in the public interest?

Examples:

- Holding a leadership position, including but not limited to being a director, owner, board member, officer or employee of any professional association/certifying body relating to Kinesiology or having been so in the past three years.
- Holding a leadership position, including but not limited to being a director, owner, board member, officer or employee of any organization or group where your duties may be seen by a reasonable person to be in conflict with the public protection mandate of the College.

2. Financial Interest: Do you or does someone close to you stand to be affected financially by your participation in a College decision?

3. Personal or Professional Relationship:

Example:

- A Committee panel member teaches at the education program from which an applicant/registrant obtained some of their education.

4. Emotional Bias: A Member should declare a conflict if for any reason, they have/have had a preconceived idea in favour or against one thing, person, or group compared with another, or any personal interest or view that could be reasonably seen as precluding them of exercising fair evaluation of all information and objective judgment and decision making.

Examples:

- Having publicly declared a firm position on an issue and not having an open mind to other alternatives;
- Having blogged extensively about a topic up for discussion and developed a fixed opinion on the issue;
- Having an emotional reaction to an individual's submission and allowing it to interfere with an impartial review of the matter; and/or
- Having an acrimonious relationship with an individual whose file/application for registration/appointment is before committee for review/consideration.

Affirmation:

I recognize that a conflict of interest could:

- 1) Result in a decision or process that is not based on principles that apply universally to everyone;
- 2) Result in a decision or process that creates an unfair advantage or disadvantage for a particular group;
- 3) Result in a decision or process that does not give adequate and appropriate weight to risk of client/patient harm and public protection;
- 4) Could bring discredit to the College and undermine public confidence in the College's ability to govern the profession in the public interest;
- 5) Could result in a governance complaint against the Member; and/or
- 6) Could create liability for either the College and /or the person involved.

I have read and understood the College's By-law 16 on conflict of interest and the Council and Committee Member and Volunteer Conflict of Interest Policy.

I affirm that avoiding or declaring a Conflict of Interest is my fiduciary duty as a College Member.

I agree to take all reasonable steps to avoid any actual or perceived conflict of interest from arising and, if one cannot be avoided, I undertake to declare any conflict of interest and to recuse myself from any consideration of the matter at issue.

I have completed the Self-Screening Questionnaire and affirm that all the information in this document is true and complete to the best of my knowledge.

