

CANADIAN IRAQI MEDICAL SOCIETY  
CONFLICT OF INTEREST POLICY

APPROVED BY CIMS BOARD  
ON DECEMBER 8, 2013  
IN A BOARD MEETING  
MISSISSAUGA, ONTARIO

**Canadian Iraqi Medical Society**  
**Conflict of Interest Policy**

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## **PRINCIPLES**

**Conflict with Users:** The Canadian Iraqi Medical Society (CIMS) as an organization is providing services to users in a variety of ways as both individuals and in-groups. When an individual or group is served, counselled, assisted in enforcing a right or in obtaining a benefit, their interests should be paramount. This means avoiding all situations where staff, Board members or volunteers have a substantial interest in any matter concerning the client that is opposed to the client's interests. Such conflicts should be resolved in favour of the client wherever possible. The conflict should be disclosed and explained to the client.

**Conflict with the Organization:** Individual interest should not come into conflict with the interest of the Organization as a whole when carrying out duties as staff, volunteers or Board members. Examples of conflicts of interest may rise when the Organization negotiates a contract such as a lease, or when hiring new employees. Any conflicts to be disclosed and the individual who declared conflict of interest shall not participate in the related discussions.

**Duty to Disclose:** The burden of recognizing and reporting a conflict of interest lies with every individual to whom these guidelines apply. Everyone should be aware of real or potential conflicts of interest and of the duty to disclose or report them in accordance with the procedures set out in these guidelines.

**Application of the Guideline:** This Guideline applies to Organization staff, volunteers and Board members. For the purposes of this Guideline, staff includes anyone employed by the Organization on a contract of services, whether or not full-time, part-time or for a special project. The Conflict of Interest Guidelines may also apply (as discussed below) to volunteers of the Organization.

**Application of Guideline to Volunteers of Committees of the Board of Directors:** Volunteers who are invited to sit on Board committees should consider themselves to be bound by the same rules as if they were members of the Board. Volunteers who are members of Board committees usually make recommendations rather than actual decisions. However, because some decisions are made at the committee level, and because committee recommendations carry great weight, the same rules should apply. References to "Board member" in this guideline should read to include volunteer members of Board committees.

**Application if the Guidelines to Other Volunteers of the Organization:** Volunteers other than those who are members of Board committees have essentially the same duties as Board members or staff to disclose or avoid conflict of interest with users. However, volunteers who do not sit on Board committees will much less often find themselves in conflict with the interests of the Organization as a whole because they are less likely to be making decisions on behalf of the Organization. For example, there is no conflict in a volunteer who performs some escort and cultural or interpretation services in their spare time applying for a paid position with the Organization.

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**Situations Not Governed by these Guidelines:** It is more than likely situations involving real or potential conflict of interest will arise that are not explicitly mentioned within these Guidelines.

If that arise, the individual involved and the Organization as a whole should consider the general principles in these guidelines and fashion a response accordingly.

### INTERESTS LIKELY TO BE THE BASIS OF A CONFLICT

**Financial Interests:** The kind of interest which is most likely to come into conflict with the interests of a client (or of the Organization as a whole) is a financial one, if we are investors, owners or employees of a company or body which is the opposing party in a client's case or which is negotiating with the Organization over a contract, lease or lawsuit there is a real possibility of conflict of interest. The nature of the CIMS activities requires medical professional networking, mentorship, education and the participation in artistic and cultural activities by CIMS Board members, staff members, volunteers and their family members. Should these cases arise the person shall declare the conflict but is not banned to participate in the activity, which may or may not bring financial benefits. For Example a Board member who is a medical doctor and is providing education at a conference is eligible to receive financial rewards as long as the person does not participate in any discussions related to that educational event or CIMS involvement in the event.

**Family Status:** To a lesser extent, conflicts can sometimes arise not directly but through the interest of a member of one's' close family. These guidelines do not recommend a general rule against 'nepotism' (hiring and contracting with a member of the family of a staff or Board member). Such a rule usually restricted to spouses, might be a form of discrimination on the basis of family status. It may also place a heavier burden on women who for structural reasons are likely to take longer to establish themselves in employment or business. Situations involving employment of contracting with or referring users to the spouse of a Board or staff member or their children should be considered individually. In any event, where members of the Board or staff agree related to one another or enter into a relationship, such as marriage, this should be disclosed.

**Non-Adversarial Activities:** Not all of the Organization's activities are adversarial. We often cosponsor events with other organizations or work collectively on projects with other organizations. Members or staff and of the Board are more likely than not to be active in other community organization which shares the goals and concerns of the Organization. In such cases no conflict of interest would normally arise.

### CONFLICT OF INTEREST AND THE ORGANIZATION AS A WHOLE

**General Rule:** Members of the Board and staff should conduct staff and Selves so as to avoid a conflict of interest between their personal interest and those of the Organization as a whole.

**Financial Interests:** Where a member of the Board or staff has a financial interest is employed by or belongs to a company or group with which the Organization is contracting (for example a lease or consulting agreement), negotiating or litigating, the employee or

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staff member will declare the conflict of interest at the next meeting of the Board and will refrain from participating in any decisions about that transaction.

**Contracting with staff or Board Members:** As a general rule, even with full disclosure and abstention from the final decision, it is not advisable for the Organization to contract for the paid services of Board members or with staff members who are in private business on their own. Wherever possible, the services of professionals or 'experts' should be purchased from someone who is not a member of the Board or a full-time staff member. Although there may be no actual conflict of interest, the appearance of a possible conflict or the impression of favouritism should be avoided. This Guideline might be waived in an emergency and would not normally apply to volunteers at the Organization. This Guideline does not apply to services offered for free.

**Employment Conflicts:** Full-time permanent employees of the Organization should not operate on a fee-for-service or other business basis in the field in which the organization employs them. For example, Full time teachers should not run a fee-for-service business while is the full-time employ of the Organization. This Guideline does not affect any unrelated business activity a permanent full-time staff member wishes to undertake. This Guideline does not strictly apply to temporary or part-time staff. However, temporary or part-time staff should disclose their other activities and ensure that there is no actual conflict of interest. The situation of temporary or part-time workers should be considered on an individual basis.

**Application to Spouses:** These guidelines do not prohibit referrals to the spouse/partner of a Board or staff member.

### CONFLICT OF INTEREST WITH USERS

**General Rule:** It is the duty of the organization to provide independent counselling, assistance, referrals and representation. The interests of the client must take priority over those of a member of the Board of Directors or staff or any group to which s/he belongs, by which s/he is employed or in which s/he has any investment or property interest.

**Confidentiality:** Information revealed by a client to a staff member, volunteer or Board member should never be revealed outside the Organization except with the prior written consent of the client. In situations of potential or real conflict of interest, the confidentiality of information provided by the client should be honoured with great care.

**Disclosure:** Where there is serious conflict of interest between a Board member, staff or volunteer and a client, the conflict should be disclosed not only to the proper people within the Organization but also to the client who is affected.

### WHAT BOARD MEMBERS SHOULD DO IF THEY BECOME AWARE OF A CONFLICT OF INTEREST

**Discussion of Conflict:** A member of the Board (or volunteer member of a Board committee) who becomes aware of a possible conflict of interest should discuss it as soon as possible with the Chair of the Board.

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**Declaration of Conflict:** A declaration of a possible conflict of interest should be made at the next earliest meeting of the Board. In some cases, the Board may decide that there is no actual conflict.

**Resolution of Conflict:** If it is felt that there is an actual conflict of interest, the Board member involved should abstain from participating in any further discussion of decision-making with respect to that matter. Where a strong appearance of conflict is unavoidable, for example where a Board member wishes to apply for a job as an employee of the Organization, the Board member should resign or withdraw from the Board. Depending on the nature and extent of conflict of interest, abstention from a particular decision or resignation from the Board may be the best solution. If the Board member refuses to cooperate, appropriate action may be taken by the Board.

**Record:** Declarations of conflict of interest will be recorded in the Minutes.

**Alliterative Resolution:** Any member of the Board or a member of a Board committee shall bring a possible conflict of interest to the attention of the Board and the question of whether or not a conflict exists; will be resolved by the Board. In the alternative if an individual Board member feels more comfortable discussing a potential conflict of interest with the Executive Committee, s/he may disclose the conflict to Board. The Board may make the determination of whether or not conflict exists; and what should be done about.

### **WHAT STAFF MEMBERS SHOULD DO IF THEY BECOME AWARE OF A CONFLICT OF INTEREST**

**Conflict of Interest with Users:** Where a conflict of interest with a client comes to the attention of a staff member. they should discuss it with the Executive Director and declare the conflict at the next meeting of the staff. Aside from emergency response they should have no further involvement in the conduct of the client's case. If the clients' affairs require attention before the next meeting of the staff, efforts should be made to have this handled by another staff member.

**Disputes:** Where a conflict of interest remains in dispute after a staff meeting, it should be brought to the Board for resolution.

**Reports:** Declarations and resolutions of conflict of interest should be included in a report to the Board.

**Conflict of Interest with the Organization:** In the case of a potential conflict of interest between a staff member and the Organization as a whole, the conflict should be declared at the next meeting of the Board as well as at the staff meeting. The same procedures should apply as for Board members.

### **WHAT VOLUNTEERS SHOULD DO IF THEY BECOME AWARE OF A CONFLICT OF INTEREST**

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**Procedures May Vary:** Volunteers generously offer their time to the Organization in a wide range of capacities. The procedures for dealing with a conflict may have to vary depending on the circumstances.

**Orientation:** Information on confidentiality, conflict of interest and related issues should form part of the orientation process for volunteers. For some volunteers potential conflicts with users should be discussed in detail, for others, it may be unnecessary. The Executive Director and staff should report to the Board as to whether further guidelines on conflict of interest for volunteers are needed.

**GUIDELINES ARE GUIDELIES**

**Guidelines are not engraved in stone:** These are guidelines, not amendments to the by-laws. As such, the Board can adopt them without limiting the Board's right to resolve specific problems in accordance with the merits of individual cases.