
Memorandum

Robertson Stromberg LLP

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To: College of Dental Surgeons of Saskatchewan
From: Robertson Stromberg LLP
Date: March 1, 2022
File No: 6130.148
Subject: CDSS Administrative Conflict of Interest

Thank you for taking the time to review the CDSS “Conflict of Interest Policy” memorandum and providing feedback on the same. To this end, please find enclosed for your review and consideration the revised CDSS “Conflict of Interest Policy” memorandum.

Should any additional questions arise, please do not hesitate to contact me.

CONFLICT OF INTEREST POLICY

I. CONFLICT OF INTEREST

- (a) A conflict of interest refers to personal, occupational or financial considerations that may affect, or appear to affect, a member of council, term committee member, or the registrar's objectivity, judgment or ability to act in the best interests of the College.
- (b) The personal interests of immediate family members or close personal or business associates of a member of council, term committee member, or the registrar are considered to also be the personal interests of the council member or registrar.
- (c) A perceived or apparent conflict of interest may exist when a reasonable, well-informed person has a reasonable belief that a member of council, term committee member, or the registrar has a conflict of interest, even if there is no real conflict.
- (d) Full disclosure, in itself, does not remove a conflict of interest.

II. DETERMINING WHETHER A CONFLICT OF INTEREST EXISTS

- (a) Members of council and the registrar shall disclose a potential, real or perceived conflict of interest as soon as the issue arises and before the College or its committees are to deal with the matter at issue.
- (b) Other members of council who are aware of a potential, real or perceived conflict of interest on the part of a fellow member of council, term committee member, or the registrar should raise the issue for clarification first with the a member of council, term committee member, or the registrar in question, and if the matter remains unresolved, then with a member of the Executive Committee.
- (c) In circumstances involving a conflict of interest, a member of council, term committee member, and the registrar are encouraged to consult informally with the Executive Committee to seek guidance.
- (d) The Executive Committee may engage legal counsel for clarification or assistance in the determining whether a matter constitutes a potential, real or perceived conflict of interest.

III. COMPLAINTS AGAINST COUNCIL MEMBERS AND TERM COMMITTEE MEMBERS

At each stage of the complaints process as set out under Part III of this Policy, the Executive Committee should consider whether the complaint places the member of council, term committee member, or the registrar in an adversarial relationship with the College and if so, the President or other relevant authority may revoke any appointments to the College committees or ask the member of council to take a leave of absence from serving as a member of council pending completion of the investigation, hearing, disposition of penalty or sentence, as the case may be.

For further clarity, should a complaint be alleged against a member of the Executive Committee, the remaining two members of the Executive Committee shall consider whether the complaint places the Executive Committee member in an adversarial relationship with the College and if so, the President, Vice President, or other relevant authority may revoke any appointments to the College committees or ask the council member to take a leave of absence from serving as a council member pending completion of the investigation, hearing, disposition of penalty or sentence, as the case may be.

1. ADVERSERIAL RELATIONSHIP

- (a) Only where members of council, term committee members, or the registrar are placed in direct opposition with the interests of the College as a result of a conflict of interest and/or a complaint, or it is declared so by the Executive Committee, then the member of council, term committee member, or the registrar shall be considered to be in an adversarial relationship with the College.
- (b) Members of council, term committee members, or the registrar, who have received a form of review, notice, or correspondence from the College regarding advertising practices are not considered to be in an adversarial relationship with the College unless the Executive Committee indicates otherwise or the member of council, term committee member, or the registrar faces a disciplinary action related to the advertising practice.

2. WHERE THE COLLEGE RECEIVES A COMPLAINT AGAINST A MEMBER OF COUNCIL OR A TERM COMMITTEE MEMBERS

- (a) A complaint received by the College or referred by any of the committees that involves a member of council or a term committee member shall be addressed pursuant to Bylaw 9.4 of *The Dental Disciplines Act* Bylaws.
- (b) In addition to the process as set out in Bylaw 9.4 of *The Dental Disciplines Act* Bylaws, the registrar shall notify the Executive Committee of the complaint for the purposes of assessing whether a conflict of interest exists and whether the member of council or term committee member ought to recuse themselves from certain issues and decisions or if the council member or term committee member's involvement with College committees or council should be suspended until the matter is resolved.

3. WHERE THE COLLEGE RECEIVES A COMPLAINT AGAINST THE REGISTRAR

- (a) Should a complaint be alleged against the registrar, then the complaint received by the College or referred by any of the committees shall be addressed pursuant to Bylaw 9.4 of *The Dental Disciplines Act* Bylaws; however the complaint shall bypass the registrar and shall be referred directly to the Executive Committee and/or legal counsel for the purposes of assessing whether a conflict of interest exists and whether the registrar ought to recuse themselves from certain issues and decisions or if the registrar's involvement with the College activities should be suspended until the matter is resolved.

4. PENDING AN INVESTIGATION OR DISCIPLINARY OUTCOME

- (a) If the Executive Committee requests that a member of council, term committee member, or the registrar voluntarily resign from College activities, and/or College committees including, but not limited to, the Mediation Committee, Quality Assurance Committee, the Professional Conduct Committee, and the Discipline Committee; hearing and appeal panels; and/or any other council activities the Executive Committee recommends, then:
 - (i) Notice of voluntary resignation shall be provided to the Executive Committee in written form by the member of council, term committee member, or the registrar.
 - (ii) Should a member of council, term committee member, or the registrar neglect or refuse to resign voluntarily upon receipt of such a recommendation, then the Executive Committee may revoke any appointments to College committees and/or activities it deems appropriate.
 - (A) The Executive Committee shall provide the council member with written notice of revocation.

5. FINDING OF PROFESSIONAL INCOMPETENCE AND/OR PROFESSIONAL MISCONDUCT OF A MEMBER OF COUNCIL OR A TERM COMMITTEE MEMBER

- (a) Where a finding of professional incompetence and/or professional misconduct is made against a member of council or a term committee member, the Executive Committee or other applicable committee Chairs shall review the decision and having reviewed the matter with council, may:
 - (i) revoke any appointments to College committees;
 - (ii) refrain from appointing the member of council to the Mediation Committee, Quality Assurance Committee, the Professional Conduct Committee, the Discipline Committee, or Hearing or Appeal Panel; and
 - (iii) ask the member of council to resign or take a leave of absence from serving on council for any period of time the Executive Committee deems appropriate.

IV. AUTHORITY OF EXECUTIVE COMMITTEE TO REFER DECISIONS TO COUNCIL

Should the Executive Committee be unable to resolve any issue(s) under this policy, the Executive Committee may refer the issue(s) to council. Under such a scenario, council shall have due regard to the policy and may make any decisions necessary in substitution to the Executive Committee.