

Sydney Presbytery Conflict of Interest Guidelines

These conflict of interest guidelines are heavily indebted to both the Newfoundland and Labrador Conference of the United Church of Canada Conflict of Interest Guidelines and the “Conflict of Interest” Guideline working document of the Synod Property Committee under development by Uniting Resources.

Theological Rationale

Being part of Christ’s church, we endeavour to model relationships founded upon love and justice. Love and justice are intertwined and are to be part of the embodiment of Christ in the world. In our decision-making processes, we strive to be Christlike. We trust that the Spirit of God is present in us and in others.

We acknowledge that:

as part of our human frailty, we experience the demands of competing interests,
our decision-making must not only embody love and justice, but also be seen to do so,
and
in our striving to be Christlike in decision-making, people of faith will experience pain and grief.

So that the church may be seen as an embodiment of Christ and decision-making processes may be seen as comprising love and justice, we therefore commit ourselves in journeying with others in faith by being open to the constant transforming Spirit of God in our relationships and decision-making. As a church we seek both to epitomise behaving in a manner to be above reproach, we must also be seen to be doing so. As such, we commit to adhere to the following Conflict of Interest Guidelines, recognizing that these Guidelines reflect our current understanding and that these Guidelines, like our very lives, are in constant need of God’s transforming love.

Definition

A conflict of interest arises when a member may be biased or appear to be biased because the member or member’s family may be a beneficiary or appear to benefit from a matter under consideration by the Presbytery or Church Council.

A conflict of interest arises when a matter under discussion concerns a person or position with whom a member has a significant relationship (e.g., as clergy, congregant, business partner, employee, employer).

An apparent conflict of interest exists when there is a reasonable apprehension, which a reasonably-well informed person could properly have, that a conflict of interest exists on the part of a member.

Process for declaring a conflict of interest

At a time allocated at the beginning of the meeting, or when it becomes apparent during the meeting, anyone aware of a potential conflict of interest for themselves or another member of the meeting must draw that to the attention of the meeting.

The Chair of the meeting (or delegated authority) is to determine response to the conflict of interest referencing the Levels of Conflict of Interest as described below.

A conflict of Interest is to be recorded in the minutes of the meeting the conflict is in. Also the minutes should record what action(s) were taken. For example,

That the member with the conflict of interest:

- Reminded the meeting of the conflict of interest at the relevant agenda item or,
- Abstained from voting or,
- Remained silent for the duration of the discussion or,
- Left the room for the duration of the discussion

The minutes should also reflect any special procedural action, such as holding a secret ballot.

Response to a Conflict of Interest Declaration

To assist the Presbytery, Congregations and Church Councils to determine appropriate action in relation to a real or perceived conflict of interest some expectations are set out below. The exact shape of the response to a conflict of interest is left to the chair of the meeting to determine, if the Chair is in a conflict of interest then the shape of action is to be delegated. (Where possible these decisions should be undertaken in consultation.)

Chairperson's are reminded that the Manual for Meetings divides consideration of proposals into three sessions; Information, Deliberation and Decision. When determining the appropriate response to a Conflict of Interest dividing the discussion in this way will assist in how and when responses to conflict of interest are enacted.

When considering the response to a conflict of interest the significance of the matter before the meeting should be taken into account.

If a type of conflict of interest is not covered, committee Chairpersons are encouraged to contact the presbytery office to seek guidance as needed.

Levels of Conflicts of Interest

These conflict of interest levels exist as a guide for Chairpersons. They provide a common framework for exercising the authority of the Chairperson in determining the best response to a real or perceived conflict of interest.

a) Level 1 – high

An individual:

- Controls and/or is directly associated professionally with an organisation linked with the Proposal or information being considered;
- Is employed at the same organisation that submitted the Proposal or provided the information under consideration;
- Has accepted an appointment at the organisation that submitted the Proposal or provided the information under consideration;
- Has ongoing collaboration with specific people or positions named in a Proposal or in the information under consideration;
- Has a significant relationship with a person or position in the Proposal or in the information under discussion. (e.g. Spouse, family member, close friend)
- Stands to benefit in any material way.

A Level 1 conflict of interest is grounds for the individual to not have any connection with a Proposal or information under consideration where these associations exist. The individual with this level of conflict of interest will not take part in any decision-making relating to the Proposal or information under consideration, and will not be in the same room when the Proposal or information is being considered during the deliberation and decision sessions. A Level 1 conflict of interest must be advised to the Presbytery Office as soon as possible after it becomes known.

The Presbytery Standing Committee will note and monitor the ongoing relevance of this conflict of interest.

b) Level 2 – medium

An individual:

- Holds a financial interest in, but is not associated professionally with, nor controls, an organisation linked with a Proposal or information under consideration. The proportion of interest held may be a factor in determining the specific level of conflict of interest.
- Has a relationship with a person or position in the Proposal or in the information under discussion. (e.g. friend, work colleague, formal pastoral relationship)
- Is a member or adherent of a congregation listed in a Proposal or within information under consideration by the Presbytery or Presbytery Committee

Level 2 conflicts of interest, although not minor in nature, are not so significant that they should deprive the Presbytery or Congregation of the individual's expertise and knowledge. An example response to this level of a conflict of interest is an abstention from the vote. They must, however, be advised to the Presbytery Office which will note and monitor the ongoing relevance of this conflict of interest.

These conflicts will be monitored by the Presbytery Standing Committee.

c) **Level 3 – low**

An individual:

- Holds financial interest in a public company associated with a Proposal or information under consideration but has limited ability to influence the company
- Has an informal relationship with the company or congregation under consideration.

Level 3 conflicts of interest are generally are not so significant that they could affect the person's ability to give full and unbiased consideration to the matter at hand. This level of conflict must be recorded in meeting minutes.

Summary

When an individual joins as a member the presbytery, or one of its committees; a congregation, or one of its committees the individual is responsible for notifying the committee or council of any possible conflicts of interest. Further, they must declare any conflicts of interest as soon as they become apparent during service to the council or committee.

The Chair of the meeting is responsible for ensuring appropriate action is taken in response to a conflict of interest.

All Conflicts of interest being of high or medium importance should be reported to the presbytery office.

Review

Committees of the presbytery will detail how they have been following the Presbytery's conflict of interest policy as part of their annual report.

Congregations will be asked how they are adhering to and encouraging a culture of following the Presbytery's conflict of interest policy as part of a Life and Witness Consultation.

The Presbytery Standing Committee can, as needed, seek information from a committee or congregation to ensure compliance with this Conflict of Interest Policy.