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Chair, Board of Governors  
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Via Email: [ResourceStewardship.Committee@assembly.ab.ca](mailto:ResourceStewardship.Committee@assembly.ab.ca)

Mr. Rod Loyola, MLA  
Chair, Standing Committee on Resource Stewardship  
c/o Committee Clerk, 3<sup>rd</sup> Floor, 9820 - 107 Street  
Edmonton, AB, T5K 1E7

**RE: Review of the *Conflicts of Interest Act* – Written Submission**

Mr. Loyola,

Thank you to the members of the Standing Committee on Resource Stewardship for inviting written submissions on the Review of the *Conflicts of Interest Act*. The Board of Governors of Bow Valley College are grateful for this opportunity to respond and provide perspective into statutory requirements that recently came into effect as part of the Act.

The Board of Governors of Bow Valley College are committed to ethical governance and business practices and culture. Indeed, our existing policy framework meets the requirements of the *Alberta Public Agencies Governance Act* and most of the new statutory requirements introduced into the *Conflicts of Interest Act* through Bill 27. Bow Valley College will update its *Conflicts of Interest Policy* to bring it into full compliance with any outstanding requirements prior to the April 30, 2018 deadline. Bow Valley College will be making a submission to the Standing Committee in this regard.

On behalf of the Board of Governors of Bow Valley College, this submission will focus specifically on the addition of the new “Part 4.3” to the *Conflicts of Interest Act*, wherein there is provision for certain officials within publicly-funded post-secondary institutions to be assigned the status of “Designated Senior Officials”. This provision of the Act makes Designated Senior Officials subject to obligations related to restrictions on holdings, disclosure statements and post-employment.

We recognize that the associated regulations for the Conflicts of Interest Act are currently in development and we have not yet been advised as to the manner in the Designated Senior Officials provision will be implemented. That being said, the Board of Governors of Bow Valley College recommend caution and restraint in the application of this designation to Board Chairs and Presidents of post-secondary institutions.

Board governance and oversight are vital for the ongoing integrity and sustainability of the post-secondary education system, and we want to attract the very best into these the Board Chair positions. Board Chairs are undertaking these volunteer roles as a means to contribute back to society and enhance and enrich the public post-secondary system, which is key to the Province of Alberta's ongoing economic vitality. Given their role in the post-secondary system, it is unnecessary and inappropriate to apply the Designated Senior Official provision to Board Chairs (or to any other Board Members). This designation is overly stringent and intrusive, which will hamper efforts to attract and retain highly qualified candidates for voluntary Board Chair positions in non-regulatory environments. It is crucial to not to restrict the pool of qualified applicants by identifying them as "Designated Senior Officials" and requiring them to incur the considerable time and expense of complying with these additional conflicts of interest regulations, even if they were prepared to do so. We also recognize that there is provision to apply to the Ethic Commissioner for an exemption, but do not foresee this as being a viable alternative for most Board Chairs.

For similar reasons, we are also concerned that broad application of the "Designated Senior Official" restrictions to college presidents will hinder the capacity of the provincial system to be competitively positioned against other jurisdictions relative to attracting and retaining the necessary talent to advance individual institutions and the overall provincial post-secondary system. These provisions are restrictive, cumbersome to administer and intrusive at the individual level. While we understand their importance and relevance in the context of the role of some public sector officials, we do not believe their broad application to presidents of post-secondary institutions is necessary given their roles and responsibilities, nor is it in the longer term best interest of the province and the post-secondary education system.

It is therefore our recommendation that the Government of Alberta give due consideration to the scope of activities that engage presidents of varying institutions, whether universities, polytechnics, or colleges, in designing regulations to support the Act as well as in identifying "Designated Senior Officials". While we fully agree it is important to promote a culture of ethical leadership in post-secondary institutions, restrictions imposed on public officials need to be commensurate with their role in the system and we must continue to competitively position the province to attract and retain top talent in key leadership roles.

Notwithstanding our input above, should the Government of Alberta decide to apply the Designated Senior Officials provision to positions in the post-secondary system, the impact on incumbents needs to be carefully considered and an appropriate transition process and timeline established.

Thank you for the opportunity to provide input to your review of the Conflicts of Interest Act

Sincerely,



David Collyer, Chair  
Board of Governors, Bow Valley College

CC: Laura Jo Gunter, President and CEO, Bow Valley College  
Board of Governors, Bow Valley College