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No. 852 CONFLICT OF INTEREST FOR EMPLOYEES	October 2, 2006 Revised April 14, 2015	1 of 8

It is the policy of the Tri-County Regional School Board to ensure that employees avoid conflicts of interest, and act in the public interest at all times in the course of the discharge of official duties and functions.

PROCEDURE under Policy No. 852

General:

The Conflict of Interest Policy for Employees is consistent with the provincial Conflict of Interest Policy for School Board Employees established by the Minister of Education (Provincial Policy) in the *Ministerial Education Act Regulations* under the *Education Act*.

The Policy delineates broad principles of basic values and behaviour standards which call for a high level of ethical conduct by employees designed to enhance confidence in the provision of the service provided by employees of the School Board.

The purpose of the Policy is to ensure that there will be no actual or perceived (on an objective basis) conflict between an employee's private or personal interests and the School Board's interest in service to the public.

Note that the Policy and Administrative Procedures are not all-inclusive. Certain conduct, even if not proscribed herein, may cause conflicts of interest. If other questions arise, they should be settled in accordance with the general principles and guidelines of the Policy and Administrative Procedures.

The School Board is responsible for administering the Conflict of Interest for Employees Policy and Administrative Procedures when applied to the Superintendent of Schools.

The Superintendent of Schools is responsible for administering the Conflict of Interest for Employees Policy and Administrative Procedures when applied to all employees except the Superintendent.

Specifically:

1.0 **Definitions:**

- 1.1 Conflict of interest: is any situation in which an employee, either for him/herself or some other person(s), attempts or does anything to promote a private or personal interest which results in the following:

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- 1.1.1 an interference or perceived (on an objective basis) interference with the objective exercise of the employee's position/role in the School Board; or
- 1.1.2 a gain or advantage or an opportunity for a gain or advantage by virtue of the employee's position/role in the School Board.

2.0 Application:

The Policy applies to all employees of the School Board, including probationary, permanent, term, spare, substitute, casual, contract, seconded or loan of service employees, whether to the School Board, from the School Board, or outside the School Board, and employees who are on leave, while they are on leave from the School Board, with or without pay.

3.0 Principles

The principles set out below should be interpreted reasonably and construed broadly in the context of the definition of "conflict of interest." The public interest mandates that employees:

- 3.1 perform their duties and functions impartially, responsibly, diligently, efficiently and with integrity;
- 3.2 arrange their private interests in a manner that will prevent a conflict of interest, with any doubt in this respect being resolved in favour of the public interest;
- 3.3 not solicit nor accept directly nor indirectly a fee, gift or benefit, from a person, or an organization, which has dealings with the School Board, when acting as an agent on behalf of the Board;
- 3.4 benefit from School Board, and School Board related programs, services or initiatives, only to the extent that a member of the public benefits there from;
- 3.5 benefit from information, which is obtained in course of employment, only to the extent that a member of the public may benefit therefrom;
- 3.6 not benefit from, use or permit the use of, School Board property including leased property, or services, for anything other than in the course of the performance of official duties and functions, and otherwise only to the extent that a member of the public may use or benefit therefrom;
- 3.7 in the course of the performance of official duties and functions involving the public, assist all members of the public fairly and reasonably;
- 3.8 maintain appropriate confidences;

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- 3.9 observe all laws and rules;
- 3.10 not use their position, office, School Board affiliation or School Board information or property to pursue personal interests;
- 3.11 act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law;
- 3.12 take care to avoid being placed, or appearing to be placed, under any obligation to any person or organization that might profit from special consideration by an employee, and not accord preferential treatment in relation to any official matter to any person or organization in which the employee, family members or friends have an interest; and
- 3.13 disclose to the Superintendent, or in the case of a Superintendent, to the School Board, that an employee's spouse, partner or dependent children have a contract or agreement with the School Board unless the contract or agreement has been awarded by open public tender.

4.0 **Ethical Dimensions**

The ethical dimensions of a particular set of circumstances will not always be obvious and in cases of uncertainty must be measured using the criteria of legality, fairness and defensibility/appropriateness. It is essential that an employee's conduct be legal, fair and appropriate in all the circumstances in the event it is challenged.

5.0 **Concurrent Employment and/or Outside Activities**

- 5.1 Involvement in concurrent employment and other outside activities by employees is not prohibited unless such employment or other activity:
 - 5.1.1 causes or is likely to result in a conflict of interest or the appearance (on an objective basis) of a conflict of interest; or
 - 5.1.2 is performed in such a way as to appear or is likely to appear (on an objective basis) to be an official act, or to represent a School Board opinion of policy; or
 - 5.1.3 interferes through telephone calls, internet use or otherwise, with regular duties; or
 - 5.1.4 involves the use of School Board premises, equipment, or supplies unless such use is otherwise authorized.

6.0 **Notification**

Each employee will be made aware of the Policy and Administrative Procedure.

7.0 **Interpretation**

Employees who require clarification or direction regarding the interpretation or application of the Policy or Administrative Procedures should consult with his/her immediate supervisor.

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8.0 Accountability

Employees are charged with a personal responsibility to identify and report conflict of interest situations in accordance with the Policy.

Immediate Supervisors are responsible for identifying and/or clarifying conflict of interest situations with the employees who report to them.

The Director of Human Resources is responsible for ensuring that all new employees are aware of the Policy.

The Superintendent of Schools is responsible for deciding whether a conflict of interest situation exists and the subsequent action(s) that may be required.

The School Board is responsible for administering the Policy and Administrative Procedures with respect to the Superintendent of Schools.

9.0 Monitoring

The Director of Human Resources shall be responsible to oversee the development and implementation of this policy.

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The School Board is responsible for administering the Conflict of Interest for Employees Policy and Administrative Procedures when applied to the Superintendent of Schools.

The Superintendent of Schools is responsible for administering the Conflict of Interest for Employees Policy and Administrative Procedures when applied to all employees except the Superintendent.

The guidelines for determining whether there is or is not a conflict of interest and the subsequent action are listed herein:

1.0 Employees

- 1.1 Every employee has a duty to avoid conflicts of interest and is accountable for his/her own conduct.
- 1.2 An employee is responsible to make a confidential report to his/her immediate supervisor as to the nature of the concurrent employment or outside activity.
- 1.3 Employees must self-assess their situation, using the "Checklist" (attached as Appendix A).

2.0 Immediate Supervisors

- 2.1 The immediate supervisor is responsible for interpretation or application of the Policy or Administrative Procedures to the employees that report to him/her.
- 2.2 The supervisor to whom the employee reports shall be responsible for reporting disclosed conflict of interest discussions to the Superintendent for a decision.
- 2.3 The supervisor shall be responsible for presenting the information/documentation to the Superintendent for a decision.

3.0 Superintendent

The Superintendent is responsible for administering the Policy with respect to employees of the School Board, other than the Superintendent, and for ensuring its implementation including, but not limited to:

- 3.1 ensuring employees are informed of the requirements of the Policy.
- 3.2 promoting and ensuring compliance.
- 3.3 determining whether a conflict of interest exists and what actions, if any, are to be taken.
- 3.4 discussing reported conflicts of interest with employees and their immediate supervisors to determine whether or not there is a conflict of interest. If there is a conflict of interest, then the Superintendent shall direct the employee, or cause the employee to be directed, to curtail, modify, or cease the activity or employment.
- 3.5 establishing administrative procedures for employees to report a conflict of interest to their respective immediate supervisors.

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The School Board is responsible for administering the Policy with respect to the Superintendent.

5.0 Director of Human Resources

The Director of Human Resources is responsible for establishing procedures to ensure that as part of the offer of employment, prospective employees are informed of the Policy and sign a document certifying that they have read the Policy and that, as a condition of employment, they will observe it.

6.0 Monitoring**6.1 Confidentiality**

Information concerning the private interest of an employee which is provided to a supervisor shall be treated in complete confidence, subject to the disclosure requirements established by this policy and by law.

6.2 Failure to Agree

6.2.1 Where an employee and the employee's supervisor disagree with respect to the appropriate arrangements necessary to achieve compliance with the Policy, the Supervisor shall submit the details of the disagreement to the Superintendent for a decision.

6.2.2 Where the Superintendent and the School Board to which s/he is responsible disagree, with respect to the appropriate arrangements necessary to achieve compliance with the Policy with respect to him/her, the disagreement shall be submitted to the Deputy Minister, or the Deputy Minister's designate for advice.

6.3 Failure to comply

An employee who fails to comply with the Policy and/or Administrative Procedures shall be subject to appropriate disciplinary action, up to and including discharge.

7.0 Monitoring and Evaluation

7.1 The Director of Human Resources, or designate, shall be responsible for the implementation, monitoring and revision of this Administrative Procedure.

7.2 When revisions of major significance are made to the Policy and Administrative Procedures, the following groups/individuals will be consulted:

7.2.1 Superintendent of Schools

7.2.2 Board Members

7.2.3 Supervisors

7.2.4 Representative Employee groups

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- 7.3 Sufficient time will be provided to ensure groups and/or individuals have appropriate opportunity to react to any report which recommends significant revisions as a result of the monitoring of policy and procedure.
- 7.4 The Director of Human Resources will ensure the results of the monitoring of the policy and administrative procedures are recorded in writing and forwarded to the Superintendent of Schools for review.
- 7.5 This administrative procedure will be monitored on an annual basis.

Appendix A – Policy # 852**CONFLICT OF INTEREST CHECKLIST FOR OUTSIDE ACTIVITIES**

Employees may be unsure if a specific outside activity represents a Conflict of Interest under the Provincial Policy or school board policy. While the Policy itself gives guidelines in the Principles and Outside Activities section, you may still have questions. If so, answering these questions will help to determine whether you are in conflict. If you answer “yes” to any of the questions included in the checklist, you must meet with your supervisor to discuss the situation.

1. Do you undertake any outside work or service for compensation that is related to the field of expertise in which you are employed by your school board?
Yes___ No___

2. Do you currently have, or are you involved in, a business or employment outside your school board which involves a service, product or facility which is offered by the school board?
Yes___ No___

- If “Yes”, does your outside involvement actually jeopardize, or have the potential to jeopardize, your ability to function objectively on behalf of your school board or as perceived by the public?
Yes___ No___

3. In the past 12 months, have you participated on behalf of your school board in any transaction between the school board and any business enterprise identified in your answers to questions 1 and 2?
Yes___ No___

4. Are you, a spouse or dependent child(ren), holding a position as a director, officer, sole owner, partner, employee or a consultant or advisor to any business which:
 - supplies your school board with any property, licenses, goods or services?
Yes___ No___
 - is a partner or potential industry partner of your school board*?
Yes___ No___
 - is funded by/receives financial support from your school board*?
Yes___ No___

5. Do you, a spouse or dependent child(ren), have any direct or indirect financial interest in any business which:
 - supplies your school board with any property, licenses, goods or services?
Yes___ No___
 - is a partner or potential industry partner of your school board*?
Yes___ No___
 - is funded by/receives financial support from your school board*?
Yes___ No___

6. Is there any activity that you could undertake, or do undertake, as an employee of your school board which could benefit you, or a spouse or dependent child(ren), in any business with which you are involved outside of your school board employment?
Yes___ No___

7. In the past 12 months, have you received compensation, loans, grants, benefits, gifts or unusual hospitality from any supplier or potential supplier or competitor of your school board* that might influence or appear to influence your decision regarding the purchasing of goods or services for your school board?
Yes___ No___

* Clauses marked by an asterisk should be read to include “or the Department of Education where the Department is acting as an agent for the school board or on behalf of the school board.”