

**TRI-COUNTY REGIONAL CENTRE FOR EDUCATION  
POLICY and PROCEDURES**

<b>TITLE</b>	<b>EFFECTIVE DATE</b>	<b>PAGE</b>
<b>No. 852 CONFLICT OF INTEREST FOR EMPLOYEES</b>	<b>October 2, 2006 Revised April 14, 2015</b>	<b>1 of 9</b>

It is the policy of the Tri-County Regional Centre for Education 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 Tri-County Regional Centre for Education 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 Tri-County Regional Centre for Education.

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 Tri-County Regional Centre for Education'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 Tri-County Regional Centre for Education is responsible for administering the Conflict of Interest for Employees Policy and Administrative Procedures when applied to the Regional Executive Director of Education.

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The Regional Executive Director of Education is responsible for administering the Conflict of Interest for Employees Policy and Administrative Procedures when applied to all employees except the Regional Executive Director of Education.

**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:

1.1.1 an interference or perceived (on an objective basis) interference with the objective exercise of the employee's position/role in the Tri-County Regional Centre for Education; 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 Tri-County Regional Centre for Education.

**2.0 Application:**

The Policy applies to all employees of the Tri-County Regional Centre for Education, including probationary, permanent, term, spare, substitute, casual, contract, seconded or loan of service employees, whether to the Tri-County Regional Centre for Education, from the Tri-County Regional Centre for Education, or outside the Tri-County Regional Centre for Education, and employees who are on leave, while they are on leave from the Tri-County Regional Centre for Education, 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 Tri-County Regional Centre for Education, when acting as an agent on behalf of the Tri-County Regional Centre for Education;



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- 3.4 benefit from Tri-County Regional Centre for Education, and Tri-County Regional Centre for Education 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, Tri-County Regional Centre for Education 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;
- 3.9 observe all laws and rules;
- 3.10 not use their position, office, Tri-County Regional Centre for Education affiliation or Tri-County Regional Centre for Education 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 Regional Executive Director of Education, or in the case of a Regional Executive Director of Education, to the Tri-County Regional Centre for Education, that an employee's spouse, partner or dependent children have a contract or agreement with the Tri-County Regional Centre for Education unless the contract or agreement has been awarded by open public tender.

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**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 Tri-County Regional Centre for Education 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 Tri-County Regional Centre for Education 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.

**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 Regional Executive Director of Education is responsible for deciding whether a conflict of interest situation exists and the subsequent action(s) that may be required.

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The Tri-County Regional Centre for Education is responsible for administering the Policy and Administrative Procedures with respect to the Regional Executive Director of Education.

## 9.0 **Monitoring**

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

The Tri-County Regional Centre for Education is responsible for administering the Conflict of Interest for Employees Policy and Administrative Procedures when applied to the Regional Executive Director of Education.

The Regional Executive Director of Education is responsible for administering the Conflict of Interest for Employees Policy and Administrative Procedures when applied to all employees except the Regional Executive Director of Education.

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 Regional Executive Director of Education for a decision.
- 2.3 The supervisor shall be responsible for presenting the information/documentation to the Regional Executive Director of Education for a decision.



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**3.0 Regional Executive Director of Education**

The Regional Executive Director of Education is responsible for administering the Policy with respect to employees of the Tri-County Regional Centre for Education, other than the Regional Executive Director of Education, 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 Regional Executive Director of Education 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.

**4.0 The Tri-County Regional Centre for Education**

The Tri-County Regional Centre for Education is responsible for administering the Policy with respect to the Regional Executive Director of Education.

**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

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Policy, the Supervisor shall submit the details of the disagreement to the Regional Executive Director of Education for a decision.

6.2.2 Where the Regional Executive Director of Education and the Tri-County Regional Centre for Education 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 Regional Executive Director of Education

7.2.2 Tri-County Regional Centre for Education Members

7.2.3 Supervisors

7.2.4 Representative Employee groups

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 Regional Executive Director of Education for review.

7.5 This administrative procedure will be monitored on an annual basis.

## **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 Tri-County Regional Centre for Education 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 Tri-County Regional Centre for Education?  
Yes\_\_\_\_ No\_\_\_\_

2. Do you currently have, or are you involved in, a business or employment outside your Tri-County Regional Centre for Education which involves a service, product or facility which is offered by the Tri-County Regional Centre for Education?  
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 Tri-County Regional Centre for Education or as perceived by the public?  
Yes\_\_\_\_ No\_\_\_\_

3. In the past 12 months, have you participated on behalf of your Tri-County Regional Centre for Education in any transaction between the Tri-County Regional Centre for Education 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 Tri-County Regional Centre for Education with any property, licenses, goods or services?  
Yes\_\_\_\_ No\_\_\_\_  
- is a partner or potential industry partner of your Tri-County Regional Centre for Education\*?  
Yes\_\_\_\_ No\_\_\_\_  
- is funded by/receives financial support from your Tri-County Regional Centre for Education\*?  
Yes\_\_\_\_ No\_\_\_\_

5. Do you, a spouse or dependent child(ren), have any direct or indirect financial interest in any business which:  
- supplies your Tri-County Regional Centre for Education with any property, licenses, goods or services?  
Yes\_\_\_\_ No\_\_\_\_  
- is a partner or potential industry partner of your Tri-County Regional Centre for Education\*?  
Yes\_\_\_\_ No\_\_\_\_  
- is funded by/receives financial support from your Tri-County Regional Centre for Education\*?  
Yes\_\_\_\_ No\_\_\_\_





6. Is there any activity that you could undertake, or do undertake, as an employee of your Tri-County Regional Centre for Education which could benefit you, or a spouse or dependent child(ren), in any business with which you are involved outside of your Tri-County Regional Centre for Education 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 Tri-County Regional Centre for Education\* that might influence or appear to influence your decision regarding the purchasing of goods or services for your Tri-County Regional Centre for Education?

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 Tri-County Regional Centre for Education or on behalf of the Tri-County Regional Centre for Education.”