

SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD

Section Personnel

Policy Name CONFLICT OF INTEREST

723

Board Approved: _____
June 22, 2021

Review By: December 2027

PURPOSE

This policy is intended to establish parameters and guidelines for employees, volunteers and trustees regarding potential or actual conflict of interest situations.

The Superior-Greenstone District School Board ("the Board") is committed to safeguarding the public interest and trust in public education. Board employees, volunteers and trustees are expected to uphold the public trust and demonstrate integrity in all of their dealings. Conflicts of interest, whether *actual, potential or perceived*, may impact on the integrity and public image of the Board and public education generally. Employees and volunteers are therefore responsible and accountable for identifying and avoiding any situations which may present a potential or actual conflict of interest or be perceived to be a conflict of interest as between their personal interests and their official duties and responsibilities as a Board employee or volunteer.

SCOPE

This policy applies to all employees, volunteers and trustees of the Superior-Greenstone District School Board (the "Board"). This policy should not be construed as exempting any employee, volunteer or trustee from complying with any applicable laws, statutes, regulations, rules or standards of professional conduct or practice.

POLICY STATEMENT

The employees, volunteers and trustees of the Board occupy positions of great public trust and confidence. They are expected to discharge their duties and responsibilities professionally, efficiently and impartially.

The onus is on each employee, volunteer and trustee to anticipate and to avoid conflicts of interest. It is important to avoid situations of real conflicts of interest but also to avoid being placed in the position that could be perceived by others as being in conflict with the Board's interests.

Employees, volunteers and trustees must take all reasonable steps to ensure that their private

and personal interests do not conflict or appear to conflict with their duties and responsibilities with the Board. Every employee, volunteer and trustee has an obligation to promptly disclose any actual, potential, or perceived conflicts of interest to their principal, supervisor, chair or manager and to abide by all directions given by the Board to resolve any actual or perceived conflicts of interest.

~~It is the policy of the Superior-Greystone District School Board that Employees, Volunteers and Trustees are required to disclose any potential or actual conflicts of interest that could compromise, or be perceived to compromise, their objectivity and judgment to their immediate supervisor immediately upon becoming aware in writing of the actual or potential conflict of interest. As such, employees and volunteers may be required to excuse themselves from any duty or transaction where they have, or may appear to have, a conflict of interest that could compromise, or be perceived to compromise, their objectivity and judgement.~~

DEFINITIONS

"Actual conflict of interest" means a situation in which an employee, volunteer or trustee, their family member, or a person with whom the employee, volunteer or trustee has a close personal relationship, has a private or personal interest that influences the employee, volunteer or trustee in the exercise of their Board duties and responsibilities.

"Close personal relationship" means an intimate relationship or a relationship that would lead a reasonable, well-informed person to believe that an employee, volunteer or trustee will be influenced in the performance of their duties by considerations relating to the relationship.

"Family member" includes, but is not limited to, the spouse, child, grandchild, parent, guardian, or grandparent of an employee, volunteer or trustee, or any other family member with which the employee, volunteer or trustee has a direct relationship.

"Potential conflict of interest" means a situation in which an employee, volunteer or trustee, their family member, or a person with whom the employee, volunteer or trustee has a close personal relationship, has a private or personal interest that could influence the exercise of their Board duties and responsibilities.

"Perceived conflict of interest" means a situation in which reasonable, well-informed persons would believe that an employee, volunteer or trustee will be influenced in the performance of their duties by considerations relating to the private or personal interests of the employee, trustee or volunteer, their family member, or a person with whom the employee, volunteer or trustee has a close personal relationship.

1.1 — ~~For the purposes of this policy, a conflict of interest is any situation in which an individual has a personal or financial interest that may:~~

- ~~Affect their judgement and/or the performance of their duties or responsibilities to the Board; and/or~~
 - ~~Cause them to act, or appear to act, in a way that is not in the best interests of the Board; and/or~~
 - ~~Negatively affect the reputation of the Board in the community.~~
- 1.2 ~~An individual is in a conflict of interest when they get, or hope to get, personal gain by using their position, influence, time, resources, facilities and/or student or staff information.~~
- 1.3 ~~Personal gain from a conflict of interest could include something gained for a friend, family member or a business associate.~~
- 1.4 ~~An individual should not have, or be involved in, any direct or indirect personal or financial interest that would, or could, negatively affect the reputation of the Board, and/or interfere with their independent exercise of judgment on behalf of the Board.~~
- 1.5 ~~Conflicts of interest may include, but are not limited to, circumstances whereby a Board employee or volunteer:~~
- ~~Is involved in a hiring or staff allocation decision when they have a close personal relationship with the applicant or affected staff member~~
 - ~~Supervises or manages employees with whom they have, or have had, a close personal relationship where performance and discipline is required~~
 - ~~Is involved in any business or other outside activity or interest that interferes with their regular duties and responsibilities at, and for, the Board~~
 - ~~Uses the Board's equipment, resources, materials, or facilities in any form whatsoever, in the pursuit of outside employment, including paid private practice~~
 - ~~Is involved in purchasing or other supply chain related activities and accepts gifts or favours or provides preferential treatment to any bidders or suppliers and/or publicly endorses suppliers or products~~
 - ~~Is involved in any business or other outside activity or interest that could create an actual, possible, or perceived conflict of interest, or could adversely affect the reputation of the Board in the community.~~

GENERAL PRINCIPLES

No employee, volunteer, trustee, their family member, or a person with whom the employee, volunteer or trustee has a close personal relationship, shall have a controlling interest, direct or indirect, in any supplier of the Board that might:

- Produce personal or pecuniary gain for the employee, volunteer or trustee at the expense of the Board;
- Detract from the time and energy which such employee ought to devote to their duties on behalf of the Board;
- Negatively impact the reputation of the Board; or
- Leave the employee open to pressure that might affect the interest of the Board.

Contravention of the terms of this policy may be subject to disciplinary action up to and including termination of employment, termination of volunteer status with the Board or referral to the Trustee Code of Conduct for Members of Superior-Greenstone District School Board.

2.0 Duty to Disclose

2.1— ~~Employees, Volunteers, and Trustees must report any actual, potential, or perceived conflict of interest that they have, or may have, to their immediate supervisor as soon as they become aware of the conflict. All conflicts of interest are to be reported using the Superior Greenstone District School Board Conflict of Interest Declaration Form by selecting *Self-declaration*.~~

2.2— ~~Anyone who has reason to believe that another Board employee or volunteer may be in a conflict of interest situation is encouraged to report to the Director of Education, or designate, the perceived conflict using the Superior Greenstone District School Board Conflict of Interest Declaration Form by selecting *Report about another employee/volunteer*.~~

Employee, Volunteer and Trustee Responsibilities

1. Employees, volunteers and trustees must act in the best interests of the public they serve, and ensure they do not compromise themselves in the discharge of their duties by soliciting, accepting, or offering to accept, directly or indirectly, any benefit. "Benefit" includes but is not limited to gifts, rewards, coupons, bonuses, incentives, remuneration, compensation, favours (which exceed the bounds of normal social courtesies) for personal or pecuniary gain. In addition, any benefit occurring from or resulting from student purchases promoted by an employee, volunteer or trustee and/or in which an employee, volunteer or trustee acted in any capacity as agent or otherwise are the exclusive property of the Board and must be used for school purposes.
2. No employee, volunteer or trustee shall use their position, Board resources (including, but not limited to, the Board's equipment, facilities, time, technology, learning platforms and e-mail system) or Board relationships for personal or pecuniary gain for themselves, person with whom they have a close personal relationship, or any family member. An exception is made for teachers who chaperone field trips and have trip costs paid by others, which is allowed.
3. Employees, volunteers and trustees shall not accept any gift, reward, benefit or favour that could reasonably be construed as an incentive for the employee, volunteer or trustee

to use their position to influence pupils, parents, guardians, staff or other persons associated with the Board to patronize a business or to provide preferential treatment for another individual, organization, or business.

Employees, volunteers and trustees may accept incidental gifts, customary hospitality, or other benefits of nominal value that are considered a common expression of social courtesy and that do not cause suspicion about their objectivity and impartiality.

4. Employees, volunteers and trustees should ensure that they do not place themselves in a position where their working relationships are affected by personal or financial interests or family relationships/close personal relationships. Employees, volunteers and trustees shall not, in carrying out their duties with the Board, give preferential treatment to any family members, anyone with whom they have a close personal relationship, or to organizations in which their relatives or others with whom they have a close personal relationship, have an interest, financial or otherwise.
5. Employees, volunteers and trustees shall not, without the written consent of the Board, engage in outside work (whether voluntary or for payment) that interferes with the performance of their duties with the Board or that otherwise gives rise to an actual or perceived conflict of interest. Employees, volunteers and trustees must disclose all outside work with the potential to cause a conflict of interest.
6. Employees, volunteers and trustees are responsible for identifying and disclosing a possible or real conflict of interest to their principals, managers, or supervisors.

BOARD RESPONSIBILITIES

1. The Board is responsible for overseeing compliance with this policy, and supporting principals, managers, and supervisors in its implementation.
2. Immediate Supervisors are responsible for identifying and/or clarifying conflict of interest situations with the employees and volunteers who report to them before passing this to the Director or designate.
3. The Director or designate, in consultation with Human Resources, is responsible for deciding whether a conflict-of-interest situation exists and the subsequent action(s) that may be required.
4. The Board will be judicious in hiring and placing employees in the various locations.
5. The Board, through Human Resources, and the Director of Education will ensure that all employees, volunteers and trustees are aware of this policy and that this policy is made available to all Board employees, volunteers and trustees.

EMPLOYMENT OF FAMILY MEMBERS

1. Individuals who are in a direct or indirect reporting relationship with another family member or other individual with whom they have a close personal relationship shall ensure that all decisions relating to this reporting relationship are made in the best interests of the Board and students.
2. Individuals shall not be permitted to make unilateral decisions about hiring and promotion relating to family members or those with whom they have a close personal relationship. Performance evaluations of family members and those with whom a manager has a close personal relationship shall include a superintendent.

DUTY TO DISCLOSE

Employees, Volunteers, and Trustees must report any actual, potential, or perceived conflict of interest that they have, or may have, to their immediate supervisor as soon as they become aware of the conflict. All conflicts of interest are to be reported using the *Superior-Greenstone District School Board Conflict of Interest Declaration* Form by selecting *Self-declaration*. Trustees are to ensure they are using the *Trustee declaration of a conflict of interest form attached to all board meeting agendas*.

Anyone who has reason to believe that another Board employee, volunteer, or trustee may be in a conflict-of-interest situation is encouraged to report to the Director of Education, or designate, the perceived conflict using the *Superior-Greenstone District School Board Conflict of Interest Declaration* Form by selecting *Report about another employee/volunteer/trustee*.

CONFIDENTIALITY

- 3.4 Any personal information disclosed under this policy will be treated confidentially. Any personal information collected, relevant to a particular conflict of interest will be used by the Board for purposes of evaluating the risk of the conflict of interest and for fashioning an appropriate remedy.
- 3.2 In order to adequately address any disclosed or potential conflicts of interest, it may be necessary for the immediate supervisor to seek direction and guidance from senior staff. If such consultation or further discussion is necessary, the supervisor will advise the affected individual accordingly.

4.0 — Consequences of Breach

- 4.1 ~~Anyone who engages in activities that contravene this policy, including failing to disclose a conflict of interest, may be subject to disciplinary action up to and including termination of employment, and/or other appropriate measures.~~

5.0 — Accountability

- ~~5.1 — Employees are charged with a personal responsibility to identify and report conflict of interest situations in accordance with this Policy.~~
- ~~5.2 — Immediate Supervisors are responsible for identifying and/or clarifying conflict of interest situations with the employees who report to them before passing this to the Director or designate.~~
- ~~5.3 — Human Resources is responsible for ensuring that all new employees are aware of this policy.~~
- ~~5.4 — The Director or designate, in consultation with Human Resources, is responsible for deciding whether a conflict of interest situation exists and the subsequent action(s) that may be required.~~

~~6.0 — Scope~~

- ~~6.1 — This policy applies to board employees, volunteers and trustees.~~
- ~~6.2 — This policy shall in no way relieve any employee, volunteer or trustee from complying with any laws, statutes, regulations, rules, or applicable standards of professional conduct or practice.~~

~~7.0 — Notification~~

- ~~7.1 — Each employee and volunteer will be made aware of the Policy.~~

LEGAL REFERENCES

Education Act

Municipal Freedom of Information & Protection of Privacy Act

RELATED PROCEDURES AND POLICIES

- Policy 704 Hiring Policy
- Policy 207 Lines of Communication Regarding Complaints
- Policy 210 Student Trustee
- Policy 217 Trustee Expenses
- Policy 303 Purchasing
- Policy 304 Surplus Equipment, Furniture and Books
- Policy 307 Travel, Meals and Hospitality Expenditures
- Policy 522 Scholarships and Trust Funds
- Policy 605 Special Education
- Policy 609 Prior Learning Assessment and Recognition
- Policy 802 Individual Trustee
- Policy 803 Board of Education
- Policy 539 Indigenous Education Advisory Committee
- Superior-Greenstone District School Board Procedural By-Laws & Code of Conduct