

ADMINISTRATIVE PROCEDURE NO. 419

EMPLOYEE CONFLICT OF INTEREST

Background

The Division believes that the public has a right to educational services which are conducted with efficiency, impartiality, and integrity. It is this special obligation which demands that there not be any conflict of interest between the private interests of employees and their responsibility to the public.

The Division requires its employees to avoid any situation which could be construed as a conflict of interest.

Procedures

1. This administrative procedure applies to all salaried employees and all persons employed on a contractual basis.
2. A conflict of interest arises when an employee, because of knowledge, responsibilities, or authority associated with the employee's position with the Division is perceived as, directly or indirectly, providing benefit to:

Himself or herself personally, or

A member of the employee's family, or

A business or an organization in which that employee, or a member of the employee's family, has an interest or holds a position; or when

An employee's relationship, employment or position with or interest in, another person, business, or organization affects the exercise of the individual's duties or responsibilities as an employee of the Division.

3. A conflict of interest exists in the above situations irrespective of whether the Division, under the particular circumstances, has been disadvantaged or receives a benefit.
4. An employee shall not accept a gift, favour, or service from any individual, organization, or corporation with which the Division does business or potentially may do business, other than normal exchanges of gifts between friends, the normal exchange of hospitality between persons doing business together, tokens exchanged as part of protocol, or the normal presentation of gifts to persons participating in public functions.

5. Employees who exercise a regulatory, inspectional or other discretionary control over others shall, wherever possible, disqualify themselves from dealing with relatives with respect to those functions.
6. Employees may not take supplementary employment including self-employment, which may cause an actual or apparent conflict of interest.
7. The Superintendent is responsible for:
 - Ensuring that all employees are familiar with and adhere to this administrative procedure;
 - Reviewing conflict of interest situations and interpreting and applying this administrative procedure as appropriate; and
 - Keeping the Board informed on conflict of interest situations and their resolution.
8. Employees are responsible for exercising reasonable care to ensure that they avoid conflict of interest situations.
9. Where an employee does find himself or herself in an actual, perceived or potential conflict of interest, the employee must:
 - Disclose in writing to his/her supervisor and the Superintendent the nature and extent of the conflict of interest; and
 - Refrain from acting in connection with the conflict of interest unless, and to the extent that, the Superintendent may in writing otherwise permit.

Reference: Section 52,53,54,205,222 of the Education Act
Freedom of Information and Protection of Privacy Act
Human Rights Citizenship and Multiculturalism Act
Individual Rights Protection Act
Canadian Human Rights Act
Canadian Multiculturalism Act
ATA Code of Conduct

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APPENDIX

CONFLICT OF INTEREST

Situations which may be construed as a conflict of interest include the following:

1. Accepting lavish meals, entertainment, trips, flights, hotel accommodation, or car rentals from any individual or organization with which the Division does business or plans to do business;
2. Giving a gift or favour of other than nominal value to any individual or organization with which the Division does business or plans to do business;
3. Soliciting or receiving any gift, prize, donation or sponsorship of any amount from any third party as a participant in, or organizer of, a charitable, recreational, cultural, or social activity which is associated with, or uses the name of the Division;
4. Using Board time, materials, facilities, or information for one's personal gain;
5. Pursuing personal gain by using the time, materials, or facilities of those doing business, or seeking to do business, with the Division;
6. Acquiring ownership or any significant financial interest in an organization with which the Division does business, or in anticipation of its doing business with the Division;
7. Using one's influence or authority to gain a benefit for any relative or friend, including an offer of employment (nepotism); and
8. Using one's influence or authority as an employee of the Division to solicit from organizations, with which the Division does business, contributions to charitable, recreational, cultural, or social associations.