

<b>BOARD GOVERNANCE POLICY NO. GOV-12</b>	
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Board Motion	5598-10-18

**JAMES BAY  
LOWLANDS  
SECONDARY SCHOOL**

## CONFLICT OF INTEREST: TRUSTEES AND STAFF

### 1. PURPOSE

James Bay Lowlands Secondary School Board is committed to safeguarding the public interest and trust in public education. The Board recognizes the importance of making trustees and staff members aware of, and therefore able to avoid, situations which might result in an actual or apparent conflict of interest.

The Board has developed this policy to outline the process involved in preventing and resolving conflicts of interest involving trustees and employees. This policy is intended to enhance standards of integrity and professionalism and to create a positive climate for learning and working together.

### 2. DEFINITION

**Conflict of Interest:** Conflict of Interest is defined as a situation in which a trustee’s or an employee’s private interests affect his or her judgment in acting on behalf of the Board. Circumstances in which a conflict of interest could or might be deemed to exist include, but are not limited to the following:

- participating in, or exerting influence on any decision, with respect to any contract, arrangement, transaction, program or any other matter in which the individual has any direct or indirect interest;
- ownership of a material interest in any supplier, contractor, subcontractor, or other entity with which the Board does business;
- acting in any capacity for any supplier, contractor, subcontractor, or other entity with which the Board does business;
- ownership or acquisition of property, the value of which is likely to be affected by any action of the Board;
- using students, staff, or Board resources or facilities to benefit a concern in which the member has a financial or other interest;
- using for personal gain or other unauthorized purposes, information which is privileged and confidential to the Board.

### 3. GUIDING PRINCIPLES

- 3.1 This policy will support and provide the direction necessary to achieve the Board's values, vision, and mission as described in Board Governance Policy GOV-01.
- 3.2 Any trustee or employee of the James Bay Lowlands Secondary School Board is responsible for identifying and reporting any conflicts of interest, about themselves only, to the Board in the case of trustees, or to their immediate supervisor in the case of employees.
- 3.3 An individual's responsibility to disclose conflicts of interest includes actual or perceived conflicts, and/or possible conflicts that have the potential to become actual or perceived, and is not limited to specific types of conflict of interest (e.g., placement of relatives, limitation on outside employment, etc.).
- 3.4 If a conflict arises between the personal or financial interests of an individual and the official duties and responsibilities of that person, the conflict must be resolved in favour of the Board's interests.

#### **4. POLICY**

- 4.1 The James Bay Lowlands Secondary School Board believes that each trustee and employee of the Board represents the Board and is expected to act in a manner that will enhance the Board's reputation for integrity and reliability. The Board is committed to the maintenance of high standards of conduct.
- 4.2 It is the Board's policy to conduct its business in compliance with all laws, regulations, and other legal requirements applicable to the Board.
- 4.3 It is Board policy to deal fairly and lawfully with suppliers and independent contractors furnishing goods and services. In awarding contracts, the Board will consider only the total cost, quality and reliability as compared with the need.
- 4.4 It is the policy of the Board that its trustees and staff members will not knowingly act and/or persist in a conflict of interest. When a conflict of interest or an apparent conflict of interest arises, the individual in conflict has a duty to immediately disclose the situation. Failure to report a conflict of interest will result in appropriate action as determined by the Board.
- 4.5 All reasonable efforts shall be made to resolve a conflict of interest as soon as reasonably possible, in the interests of the Board and in consultation with the affected individual(s), their union representatives, or association representatives, and an administrator, as appropriate.
- 4.6 Any individual engaging in activities that contravene this policy may be subject to disciplinary action or other sanctions.

#### **BOARD EXPECTATIONS**

#### **5. DUTY OF TRUSTEES**

- 5.1 Trustees shall adhere to the *Municipal Conflict of Interest Act*. They will not participate in any discussion or decision being made by the Board if they have a direct or indirect pecuniary interest in the matter or a personal interest that could compromise their objectivity and judgement.
- 5.2 Trustees, or members of their immediate family, shall refrain from engaging in activities that may create, or appear to create, a conflict of interest; such as, accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.
- 5.3 Trustees will not accept a fee, gift, or personal or economic benefit, either directly or through another person, from any person who has done, is doing, or might be reasonably expected at some time to do business with the Board, with the exception of customary hospitality, or other gifts or benefits of nominal value.
- 5.4 Trustees will not sell to the Board, either directly or through the use of school or department funds, any goods or services without declaring their interest and removing themselves from the decision-making process. They will endeavour to ensure that their direct relatives comply with this expectation.
- 5.5 Trustees members will not directly or indirectly use or allow the use of Board property of any kind for anything other than officially approved activities. They shall not use or lend Board property for activities not associated with their responsibilities without the prior approval of the Board.

## 6. ADDRESSING A CONFLICT OF INTEREST: TRUSTEES

- 6.1 Where a trustee has any pecuniary interest, direct or indirect, or any personal interest in any matter and is present at a meeting of the Board at which the matter is the subject of consideration, the trustee shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature of that interest.
- 6.2 The trustee shall not take part in the discussion of, or vote on any question in respect of the matter, and shall not attempt in any way before, during, or after the meeting to influence the voting on any such question.
- 6.3 Where the meeting is not open to the public, in addition to complying with the requirements noted above, the trustee shall leave the meeting immediately or the part of the meeting during which the matter is under consideration.
- 6.4 Where the interest of the trustee has not been disclosed as required by reason of the trustee's absence from the meeting, the trustee shall disclose the interest and otherwise comply with the terms of the *Municipal Conflict of Interest Act* at the next meeting of the Board attended by the trustee.
- 6.5 Trustees are expected to disclose a possible conflict of interest if they are in doubt concerning the propriety of any action concerning the Board, and the Board will rule on the matter.

- 6.6 The *Municipal Conflict of Interest Act* describes consequences for contravention of its directives.

## 7. DUTY OF STAFF

- 7.1 Staff members shall not engage in any outside work or undertaking that interferes with the performance of their duties for the Board, and/or occurs during the individual's normal working hours, whether voluntary or for payment.
- 7.2 Staff members shall not use Board equipment, facilities, time, or human resources for personal or pecuniary gain for themselves or a direct relative.
- 7.3 No employee who is the author of a book or other materials will, for compensation of any kind, direct or indirect, have the right or opportunity to influence or determine in any manner the appropriateness of such book or materials to be used in the school.
- 7.4 Staff members will not sell any materials, supplies, or services to the Board, nor shall they have a direct interest in a company that sells materials, supplies, or services to the Board. They will endeavour to ensure that direct relatives also comply with this clause.
- 7.5 Employees of the Board, or members of their immediate family, should refrain from engaging in activities that may create, or appear to create, a conflict of interest; such as, accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.
- 7.6 Staff members will not directly or indirectly use or allow the use of Board property of any kind for anything other than officially approved activities. They shall not use or lend Board property for activities not associated with their responsibilities without the prior approval of their supervisor.
- 7.7 Staff members shall not release to unauthorized persons information related to personnel matters, matters under negotiation, litigation, or any other confidential information to which they have access by virtue of their employment.
- 7.8 An employee who has any interest, directly or indirectly, actual or apparent, in any contract, transaction, proposed contract, or proposed transaction under consideration by the Board shall:
- a) declare the nature and extent of the interest as soon as possible; and
  - b) not take part in any decision in relation to the matter.

## 8. ADDRESSING A CONFLICT OF INTEREST: STAFF

- 8.1 All staff members must report any actual, possible, or perceived conflict of interest that they have, or may have, to their immediate supervisor as soon as they become aware of the conflict. The immediate supervisor may wish to consult the supervisory officer or designate when determining if a conflict of interest exists, and the remedy.

- 8.2 Staff members may be required to excuse themselves from a 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.
- 8.3 Staff members shall disqualify themselves as participants in personnel decisions when their objectivity would be compromised for any reason such as, but not limited to, staffing actions involving direct relatives or direct relatives of persons living in the same household. These situations include decision-making power over a staff member's performance evaluation, special permissions, potential for promotion, conditions of work, and similar matters.
- 8.4 Staff members will ensure that the following requirements are followed if they engage in private tutoring:
- Private tutoring does not take place during the instructional day or on school property.
  - Staff members must not tutor students from their school for remuneration.
  - Staff members must be aware of provincial regulations and federation guidelines, including comments about and communication with the regular classroom staff, where applicable.
  - Private tutoring services may not be advertised using school or Board connections or publications.
- 8.5 Any personal information about a conflict of interest disclosed by a staff member under this policy will be treated confidentially, consistent with the principles of the *Municipal Freedom of Information and Protection of Privacy Act*. Any personal information collected will be used by the Board to evaluate the risk of the conflict of interest, for developing an appropriate remedy, and for no other purpose.
- 8.6 Any staff member 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 sanctions.

## REFERENCE DOCUMENTS

### **Legal:**

*Education Act Section 207 (1 & 2) Open and Closed Meetings of the Board*  
*Education Act, Section 217, Promotion or sale of books, etc. by employees*  
*Education Act Section 218.2 Code of Conduct for Members of the Board*  
*Education Act Section 218.3 Enforcement of Code of Conduct: Members of Board*  
*Municipal Conflict of Interest Act: Pecuniary interest only*  
*Municipal Freedom of Information and Protection of Privacy Act*  
Ontario Regulation 437/97 Professional Misconduct  
Regulation Made Under the Teaching Profession Act, Section 18 Duties of a Member to Fellow Members

### **Board:**

Board Policy GOV-01 Values, Vision, and Mission  
Board Policy GOV-02 Role of the Corporate Board  
Board Policy GOV-03 Role of the Supervisory Officer

Board Policy GOV-09 Board Communications  
Board Policy GOV-10 Complaint Resolution  
Board Policy GOV-11 Code of Conduct: Board Members