

ADMINISTRATIVE PROCEDURES

SUBJECT: CONFLICT OF INTEREST

1. Preamble

This Procedure applies to all Employees of the Lambton Kent District School Board (“the Board”) intended to facilitate Employees’ ability to maintain the highest business and ethical standards, and to facilitate the protection of the integrity of Employees in the course of their employee responsibilities to the Board.

This Procedure defines and addresses potential, apparent and actual conflicts of interest. It provides guidance to Employees so that conflicts of interest are recognized and either avoided or resolved expeditiously through appropriate disclosure and management.

The fundamental principle underlying this Procedure is that Employees must not permit relationships with others or external business activities to conflict, or appear to conflict, with the interests of the Board.

2. Definitions

Conflict of Interest means a potential, apparent, or actual conflict where an Employee’s financial or other personal interest, whether direct or indirect, conflicts or appears to conflict with the Employee’s responsibility to the Board, or with the Employee’s participation in any recommendation or decision pertaining to hiring within the Board.

(i) Financial

- a. Participation in a decision, or influencing a decision for a purchase or transaction;
- b. Ownership or interest in a supplier, contractor, or other entity which has business with the Board;
- c. Ownership or interest in a property or business which could be affected by an action of the Board;
- d. Using students, staff, or Board resources or facilities to the benefit of an employee;
- e. Offering of services which would be included in the normal scope of a job for financial gain (e.g. paid private tutoring of a student from one’s own class);

- f. Please also see Administrative Policy and Regulation regarding Prohibition of Entrepreneurial Activities by Employees (R-AD-120-18).

(ii) Hiring and Supervision of Staff

- a. participating in, or influencing the outcome of the appointment, hiring, promotion, supervision, or evaluation of a person with whom the Employee has, or has had, a relationship;
- b. acceptance by an Employee of a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the employee when performing hiring duties with the Board:
 - i. a person, group, or entity that has dealings with Board;
 - ii. a person, group, or entity to whom the Employee provides services in the course of his or her duties to the Board;
 - iii. a person, group, or entity that seeks to do business with the Board.

An Employee who is offered a gift in the circumstances described in b) above shall, in writing, notify his or her Supervisor.

- c. Supervision or management of a family member or someone with whom there is a close personal relationship.

External Activity means any activity of an Employee outside the scope of their employment with the Lambton Kent District School Board undertaken as part of a commercial or volunteer enterprise.

Relationship means any relationship of the Employee to persons of their immediate family whether related by blood, adoption, marriage, or common-law relationship, and any relationship of an intimate and/or financial nature during the preceding five years, any student-supervisor relationship, or any other past or present relationship that may give rise to a reasonable apprehension of bias.

Supervisor means the person to whom an Employee reports.

3. Procedures for Disclosure of Conflicts of Interest

- (i) All Employees have an obligation to disclose to their immediate Supervisor any potential, apparent, or actual conflict of interest they may have. The Employee must disclose as soon as they could reasonably be aware that a Conflict of Interest exists;
- (ii) The Supervisor will consult with the Superintendent of Business (for potential financial conflicts of interest) or with the Superintendent of Human Resources (for potential hiring and supervision conflicts of interest) to determine course of action, if required;
- (iii) The existence of a Conflict of Interest does not necessarily preclude involvement in the issue which has given rise to the Conflict ("the Matter"). The Employee must declare, in writing (e.g. Board email), the nature and extent of the Conflict of Interest no later than any meeting or process in which the Employee participates and at which the Matter is to be considered. The Employee must refrain from taking part in any discussion or decision-making in relation to the Matter, and withdraw from any

meeting or process when the Matter is being discussed until a decision has been reached regarding the manner in which the Conflict of Interest will be addressed;

- (iv) A Conflict of Interest involving an Employee may also be reported to a Supervisor by any other person. A report to a Supervisor about the existence of a potential, apparent or actual conflict of interest shall be made in writing.

4. Procedures for Management of Conflicts of Interest

- (i) If the Supervisor or Superintendent to whom the disclosure is made also has a Conflict of Interest, the disclosure should be made in writing to the person at the next highest level of authority;
- (ii) The Supervisor or Superintendent will investigate to determine if a Conflict of Interest exists. Where appropriate, the Supervisor or Superintendent may consult with the Employee and/or others;
- (iii) If the Supervisor or Superintendent determines there is a Conflict of Interest, the Supervisor or Superintendent should resolve the matter as per section 5 below and shall document, in writing, any remedies that have been applied.

5. Options for Resolving Conflicts of Interest

If a Supervisor or Superintendent determines that a Conflict of Interest exists, the Supervisor or Superintendent will decide a course of action from the following options:

- (i) If the Matter pertains to section 2 (ii) (a) above, and where the Employee may be knowledgeable and have information central to the discussion, the Employee with a Conflict or appearance of Conflict may be permitted to be involved in the Matter without participating in the final decision described in section 2 (ii) (a) above,
- (ii) If an Employee fails to disclose a Conflict as per section 3 above, a range of remedies can be applied, up to and including the termination of employment.

6. Contraventions of this Procedure

Adherence to this Procedure, in letter and in spirit, is crucial to the relationships of trust that exist between the Board, its Employees, and the public. Contraventions of this Procedure, whether arising from dishonesty or inattention, undermine these relationships and may lead to disciplinary action. For Employees, disciplinary sanctions for breach of this Procedure may take a range of forms appropriate to the nature of the contravention and could include dismissal from employment.

7. References

It is imperative that employees be viewed as acting in the best interests of the public and that they do not compromise themselves in the discharge of their duties. The following legislative reference and professional standards govern the conduct of the employees of the Board:

Excerpts from the *Education Act*, R.S.O. 1990, CHAPTER E.2

Section 217. (1) **Promotion or sale of books, etc., by employees of board or Ministry to board, pupil, etc., prohibited.**--No teacher, supervisory officer or other employee of the board or of the Ministry shall, for compensation of any kind other than his or her salary as such employee, promote, offer for sale, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein.

(2) **Exception for authors.**--Subsection 1 does not apply to a teacher, supervisory officer or other employee of the board in respect of a book or other teaching or learning materials of which he or she is an author where the only compensation that he or she receives in respect thereof is a fee or royalty thereon.

(3) **Employment of employee of board or Ministry to promote sale of books, etc, to board, pupil, etc., prohibited.**--No person or organization or agent thereof shall employ a teacher, supervisory officer or other employee of the board or of the Ministry to promote, offer for sale or sell, directly or indirectly any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein, or directly or indirectly give or pay compensation to any such teacher, supervisory officer or employee for such purpose.

(4) **Penalty.**--Every person who contravenes any provision of subsection (1) or (3) is guilty of an offense and on conviction is liable to a fine of not more than \$1,000. Section 286 (4) **Full-time position.**--Except as otherwise provided by this Act or the regulations, a supervisory officer shall not, without the approval of the Minister, hold any other office, have any other employment or follow any other profession or calling, during his tenure as a supervisory officer.

Implementation Date: September, 2016

Revised: December 11, 2017, May 30, 2022

Reference: Education Act R.S.O 1990, c E.2, s 217(1-4), 286(4)

Ontario College of Teachers Act, S.O. 2009, c 33, Reg 437/97, s 26