

**CHIGNECTO-CENTRAL
REGIONAL SCHOOL BOARD**

POLICY #HR-09

EMPLOYEE CONDUCT / CONFLICT OF INTEREST

[BOARD MINUTE #05-02, Page 2]

The Chignecto-Central Regional School Board believes that employee conduct must be consistent with current legal requirements and accepted standards of behaviour which call for a high level of ethical conduct.

Furthermore, the Board expects that there will be no conflict between an employee's personal/private interests and the Board's primary interest in service to children and the community.

The objective of this policy is to ensure that employees avoid conflicts of interest, and act in the public interest at all times in the performance of their duties and functions.

To this end, the Board expects the Superintendent of Schools (or designate) to prepare, implement and monitor administrative procedures and/or guidelines such that employee behaviour is consistent with the requirements of this policy.

EMPLOYEE CONDUCT / CONFLICT OF INTEREST

POLICY #HR-09

ADMINISTRATIVE PROCEDURES

- Authorization*** These Administrative Procedures have been authorized by the **Superintendent of Schools**.
- Scope*** Policy #HR-09 and these Administrative Procedures apply to **all Chignecto-Central Regional School Board employees**.
- Responsibility*** It is the responsibility of the **Director of Human Resources Services** to ensure that Policy #HR-09 and these Administrative Procedures are implemented.
- Implementation*** Policy #HR-09 and these Administrative Procedures shall be implemented by **all CCRSB supervisory personnel**.
- Definition*** **Conflict of Interest** . . . is any situation in which an employee, either for himself/herself or some other person(s), attempts to promote a personal or private interest which results in the following:
- a.) an interference with the objective exercise of his/her duties as an employee of the Chignecto-Central Regional School Board;
 - b.) a gain or an advantage by virtue of his/her position as an employee of the Chignecto-Central Regional School Board.
- Accountability*** Every Employee, including probationary, permanent, casual, term, contract, seconded employees, whether seconded to the board or from the school board or outside the school board, and employees who are on leave from the school board with or without pay, has a duty to avoid conflicts of interest and is accountable for his/her conduct. Any situation in which a conflict of interest may arise must be reported.

***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. It is essential that an employee's conduct must be legal, fair, and appropriate in the circumstances and defensible in the event it is challenged.

Outside Activities

Involvement in outside employment and other activities by employees is not prohibited unless such employment or other activity:

- a.) causes or is likely to result in a conflict of interest; or
- b.) is performed in such a way as to appear to be an official act, or to represent a school board opinion of policy; or
- c.) unduly interferes through telephone calls, internet use, or otherwise, with regular duties; or
- d.) involves the use of school board premises, equipment, or supplies unless such use is otherwise authorized.

Procedures

1. **All Chignecto-Central Regional School Board employees shall:**
 - a.) perform their duties and functions impartially, responsibly, diligently, efficiently and with integrity;
 - b.) 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;
 - c.) not solicit or accept directly or indirectly, a fee, gift or benefit from a person or an organization who has dealings with the Board where the fee, gift or benefit could influence the performance of official duties and functions;
 - d.) benefit from Board programs, services and initiatives only to the extent that a member of the public benefits therefrom;
 - e.) benefit from information, which is obtained in the course of employment, only to the extent that a member of the public may benefit therefrom;
 - f.) not benefit from, use or permit the use of, Board property including property leased to the Board, or Board 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;

- g.) in the course of the performance of official duties and functions involving the public, assist all members of the public fairly and reasonably;
- h.) maintain appropriate confidences;
- i.) observe all laws and rules;
- j.) treat other employees with respect and dignity;
- k.) not use their position, office, Board affiliation or Board information or property to pursue personal interests;
- l.) on the appropriate CCRSB report form, complete and submit a "Conflict of Interest" report (see Appendix A) as determining through self-assessment using the Checklist (see Appendix B) regarding any situation(s) wherein the employee, spouse and/or dependent has or may have a conflict of interest;
- m.) act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law;
- n.) not accord preferential treatment in relation to any official matter to family members or friends, or to organizations in which the employee, family members or friends have an interest, and care must be taken to avoid being placed, or appearing to be placed, under obligation to any person or organization that might profit from special consideration by the employee; and,
- o.) disclose to their immediate supervisor that an employee's spouse or dependent children have a contract or agreement with the Board unless the contract or agreement has been awarded by open public tender.

In the event an employee is uncertain as to whether a conflict or potential conflict exists, the employee shall err on the side of caution and report the matter.

2. The **Director of Human Resources Services** shall:

- a.) ensure that the **Director** of each Department:
 - (i) receives a copy of Policy #HR-09 and these Administrative Procedures; and,

- (ii) is appropriately informed regarding the provisions of same;
 - b.) advise and assist the Director of each Department with the administration and implementation of Policy and Procedures #HR-09;
 - c.) review and resolve (as appropriate) conflict of interest concerns/issues;
 - d.) receive, review and maintain a file of all Conflict of Interest Reports; and,
 - e.) report conflict of interest concerns/issues to the Superintendent of Schools.
3. The **Director of each Department** shall:
- a.) ensure that all department supervisory personnel;
 - (i) receive a copy of Policy #HR-09 and these Administrative Procedures;
 - (ii) are appropriately informed regarding the provisions of Policy and Procedures #HR-09;
 - b.) advise and assist department supervisory personnel with the administration and implementation of Policy and Procedures #HR-09;
 - c.) monitor implementation of and adherence to Policy and Procedures #HR-09 within his/her department;
 - d.) report any conflict of interest concerns/problems to the Director of Human Resources Services; and
 - e.) receive and submit to the Director of Human Resources Services all Conflict of Interest Reports.
4. **Supervisory personnel** (each department) shall:
- a.) ensure that all employees (within area of supervisory responsibility) are informed regarding Policy and Procedures # HR-09;
 - b.) monitor implementation of and adherence to Policy and Procedures # HR-09 within the workplace;
 - c.) refer conflict of interest questions, concerns, issues to the Director of the department; and,
 - d.) receive and submit to the Director of the department Conflict of Interest Reports submitted by employees.

5. The **Superintendent of Schools** shall:
in consultation with the Director of Human Resources Services, report (as appropriate) conflict of interest concerns and/or issues to the Board Chair.
6. The **Chair of the Chignecto-Central Regional School Board** shall:
 - a.) report (as appropriate) conflict of interest concerns and/or issues to the Chignecto-Central Regional School Board.
 - b.) administer the Policy with respect to the Superintendent and Directors.

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 law.

Failure to Agree Where an employee and the employee's supervisor disagree with respect to the appropriate arrangements necessary to achieve compliance with this Policy, the disagreement shall be submitted to the Superintendent. Where the Superintendent and the School Board disagree with respect to the appropriate arrangements necessary to achieve compliance with the Policy, the disagreement shall be submitted to the Deputy Minister or Deputy Minister's designate.

Failure to Comply An employee who fails to comply with the Policy shall be subject to appropriate disciplinary action, up to and including discharge.

Distribution All Policy/Procedure Handbook holders
All CCRSB Employees

CHIGNECTO-CENTRAL REGIONAL SCHOOL BOARD



CONFLICT OF INTEREST REPORT

Employee: _____ Position: _____

School / Office / Worksite: _____

Supervisor: _____ Position: _____

Per Chignecto-Central Regional School Board Policy and Procedures #HR-09, I believe that I may have a conflict of interest for the following reasons:

(Employee Signature)

(Date)

(Supervisor Signature)

(Date)

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 school board policy. While the Policy itself gives guidelines in the Principles and Outside Activities sections, 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 school board? Yes ___ No ___

2. Do you currently have, or are you involved in, a business or employment outside your school board which involves a service, product or facility which is offered by the school board? 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 school board or as perceived by the public? Yes ___ No ___

3. In the past 12 months, have you participated on behalf of your school board in any transaction between the school board and any business enterprise identified in your answers to questions 1 and 2? Yes ___ No ___

4. Are you, or 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 you school board with any property, licenses, goods or services? Yes ___ No ___

– is a partner or potential industry partner of your school board*? Yes ___ No ___

– is funded by/receives financial support from your school board*? Yes ___ No ___

5. Do you, or a spouse or dependent child(ren), have any direct or indirect financial interest in any business which:

– supplies you school board with any property, licenses, goods or services? Yes ___ No ___

– is a partner or potential industry partner of your school board*? Yes ___ No ___

– is funded by/receives financial support from your school board*? Yes ___ No ___

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

Yes ____ No ____

* Clauses marked by an asterisk should be read to include "or the Department of Education where the Department is acting as agent for the school board or on behalf of the school board".

School Board Employee Conflict of Interest

Questions and Answers re: Conflicts of Interest

1. My spouse is a consultant with Central Audit Services Ltd. The school board wants an audit done of the Operations Division. May I recommend to the Superintendent that they choose this firm?

If an employee were to do this, it would be a conflict in that the employee used their role to try to influence a board decision (awarding a contract) which would further the private interest of the employee's spouse and generate a benefit to the family.

2. My school board wants to pilot a new contracted service for schools – that of Website development and maintenance. We want to stay very flexible with the contract in case the demand for the service is less than we anticipate. My son would be good at this and he is between jobs right now so would be available right away. I am one of a group who will choose the successful bidder. May I encourage my son to apply?

If this employee's son does apply, the employee would have to declare a conflict and withdraw from the bid selection process. The employee may make his/her son aware of the tender call once it is public, but may not provide any additional information beyond what would be provided to any other bidder in the normal course of events. To do so means the employee is in conflict.

3. I am a school board psychologist, and I also provide services at a private clinic outside of school hours. One of the Student Services Coordinators consults with me about the number of students who require psychology services, and we agree it is not possible for existing psychologists on staff at the school board to deal with the load in a timely way. May I refer some of the load to my clinic?

This is a conflict of interest in that the school board psychologist's private interests are being furthered by the referral.

4. I am the same school board psychologist. If I may not refer some of the load to my clinic, what would be a better way to handle the situation?

The school board could publicly tender for "overflow" services. Service providers bidding on such a contract would have to declare the presence of a school board employee on their staff so the school board is aware of the connection. In addition, the psychologist could not participate in either preparing the bid on behalf of the service provider, or provide additional information beyond that provided to all bidders, and could not participate in the selection team assessing the bids and awarding the contract.

5. I am on a selection panel for teacher assistants, and my cousin's daughter is one of the applicants. I am not particularly close to this cousin, and I don't know the daughter particularly well. Must I withdraw from the selection panel?

Selection panel processes must be both fair, and be seen to be fair. Whenever a group of applicants includes a family member, or other individuals where there could be questions of an employee's ability to be impartial, the employee must withdraw. In this case, even though the employee and the applicant do not appear to know each other well, there could be questions and the process would not be "seen to be fair".

6. My staff have reviewed bids for two contracts for extra-curricular busing services. They have just given me their "short list" and my uncle's firm has been recommended to be awarded one of the contracts. I didn't participate at all in the review process, although I am responsible to approve their recommendations. Am I in a conflict of interest?

As with the previous question, there could be questions and the process would not be "seen to be fair". The manager should immediately advise the Superintendent and withdraw from participation in the final selection of contractors.

7. I am a computer technical support officer with the school board, and I have also started working part time for Bart's Computer Techies Unlimited, doing similar work for many different clients. The school board has a contract with Bart's to provide off-hours support for the software that regulates climate controls and other systems in all our schools. I am not assigned to this client right now, but I could be. Am I in a conflict of interest?

This is at least an apparent conflict of interest. The employee should discuss this with his supervisor, to obtain a decision from the Superintendent as to how to proceed to ensure a conflict does not exist.

8. I am a secretary in central office, and the other day I saw a confidential memo about how the board members wanted several procedures rewritten and formatted so they could be posted to the Website in the next two months, and the memo said we do not have the staff to do the work. I have experience with writing procedures and I would be happy to do this at home, if they paid me to work the extra hours. Would this put me in conflict?

This employee has become aware of extra work that is otherwise unpublicized. If the employee were given the work it would appear the employee had an unfair advantage over others. The Board could offer the opportunity to employees and let them apply providing such a process is consistent with applicable Board hiring policy.

9. The Director of Operational Services for a school board was directly involved in a decision-making capacity to award a lucrative contract on behalf of the board to a major building services firm. Not long after we awarded the contract, the Director accepted a senior position with the firm. Is there a conflict in this situation?

The Director's participation in the contract decision may be an actual conflict, or simply appear to be a conflict. This depends on when the new employment was discussed or contemplated by the employee and the building services firm. Certainly an employee must not permit, or appear to permit, the fulfillment of school board duties to be influenced by private interests such as the possibility of future employment.

10. A good part-time supervisory job, which will not interfere with my work during school board hours, has become available at Major Paper Limited, which makes all kinds of paper products. I'd like to get this experience. My school board tenders each year for lots of paper products, and Major is likely to be on the list in future years. Could this put me in a conflict situation?

This depends on what the employee's school board job is, and whether there could be a perception that Major had an advantage over other firms because it also employed someone who worked for the school board. This should be discussed with the supervisor so that an opinion can be formed about whether this would be problematic.

11. I am a principal of a school in a rural area, and I am also the chair of the county board of trade. Both of these roles require that I express my views regularly. How do I make sure that my audience knows which "hat" I am wearing, so I can avoid being in conflict?

This principal needs to be very clear and meticulous about on which body's behalf he is speaking (the school/school board or the board of trade), as well as when he is expressing personal views that should not be perceived as expressing "official" views. It would be helpful to review the situation with a Director or Superintendent.

12. I have an income tax consulting business I run on my own time and from home, which doesn't have anything to do with my work as a school custodian. During tax time, I do get frequent calls on my cell phone, and my rate of cleaning standards does decline, but since I'm usually faster than the other custodian in the school, should this matter?

The school board is paying for a certain number of hours worked, and the custodian is accepting the paycheque for those hours. For the employee to use paid time to take "frequent calls" to attend to private interests is an encroachment on this arrangement and is unfair to other employees. The employee's productivity rate is not relevant here.

13. I am a teacher as well as a volunteer aerobics instructor. My principal lets me use the school gymnasium for their classes, without having to pay the fee usually charged to community groups for use of the school. Does this represent a conflict situation?

It is an apparent conflict if an employee uses school board property for private purposes, whether it is materials, supplies, equipment or facilities. The principal should discuss the details with the superintendent to determine whether good reason exists to make an exception defensible.

14. As a Special Education Consultant in my school board, I am often asked to speak to groups or associations about my board's special education services or programs, and I am happy to do so because it promotes understanding and awareness, and my school board encourages us to do these things whenever possible. Sometimes these groups present me with gifts, like a fruit basket, business card holder or set of coffee mugs. Is accepting these things a conflict? I don't want to hurt feelings.

The Conflict of Interest regulations state that employees "may not solicit or accept" a fee, gift or benefit. It does not set any dollar value threshold. Certainly, small gifts are sometimes offered and the employee should exercise judgment as to whether to gracefully decline the gift, or to accept and ensure it can be enjoyed by co-workers.

15. Again as the Special Education Consultant, I have been invited to speak at national conferences because of my special expertise. Recently, one organization offered to pay all my expenses and pay me an honoraria to be their keynote speaker. This is a lot of money, and I'm not sure if I would be in a conflict if I accepted.

It is a conflict of interest for an employee to accept money from an organization to do something the school board encourages, during time for which the employee is being paid anyway by the school board. It is always preferable for the school board to cover expenses and completely avoid any appearance of obligation or influence on the part of the organization extending the invitation. If the school board cannot cover the expenses then at a minimum the organization's reimbursement to the employee should be limited to actual expenses incurred.

16. I am a teacher in a school, and am also a parent of an autistic child. I belong to a support group for parents of autistic children, and the group wants to see a change in the school board's policy on how it deals with this particular group of students. Would I be in a conflict if I participated in preparing and presenting our recommendations to the board?

It is a conflict to lobby your own employer to change its policy when, as a teacher, you are responsible to carry out school board policies. This employee may not be in a conflict to lobby the Department of Education for a change in provincial policy. As these situations can vary greatly, this should be discussed with the supervisor on a case-by-case basis so that the superintendent can help ensure conflict does not arise.

17. I am a payroll officer in the school board, and I want to purchase stock in the bank that handles our accounts. Am I in a conflict of interest to do so?

This is likely not a conflict as there is no relationship between the employee's school board and the bank's relative success, thus the value of the stock.

18. I am a middle manager in the school board, and I want to purchase shares in the company I suspect is going to be given the contract to provide transportation services for our school board. Am I in a conflict of interest situation to do so?

This could be a conflict, particularly as there is a more direct relationship between the awarding of a large specialized contract to a local firm, and the value of the firm's stock. The intended transaction should be reviewed and the superintendent should determine whether a conflict could exist. If the manager already owns shares, it is possible there may be a determination that the employee should divest ownership of the shares within a reasonable period of time, or move them to an arms-length arrangement.

19. Suppliers, including pop machine vendors, travel agents, photographers, and other suppliers, frequently offer gifts. Employees are often in a position to directly give business to a supplier (for example, a teacher arranging for a school trip). What should employees do to stay out of a conflict situation?

School boards and their employees should be aware of the potential conflict related to gifting by suppliers. Employees may not solicit or accept directly or indirectly, a fee, gift, or benefit from a person or an organization who has dealings with the school board. This includes the Department of Education where the department is acting as an agent for a school board (for example, as with computers, or textbooks). However, as with all of the principles set out in the School Board Employee Conflict of Interest Policy, this provision should be interpreted reasonably. No employee should be obligated, or appear to be obligated, to any individual or organization; nor should giving gifts be or appear to be acceptable or required to obtain proper consideration from school board employees.

Good judgment must be exercised; for example, in dealing with First Nation cultures, the giving of gifts is common and it may not be appropriate to reject the gift. Similarly, organizations often present tokens of appreciation to an employee who takes time to make a speaking presentation to them. In such circumstances, and if there is any doubt, this should be discussed with the supervisor who may require that a gift be shared in the workplace, returned, donated to charity, or disposed of in some other acceptable way.

20. Is there any situation where an employee would be justified in making confidential information or documents available to someone who would not otherwise receive that information?

No - employees are restricted from making confidential information or documents available to unauthorized persons, either directly or indirectly.

21. I recently joined the school board as a stationary engineer. My wife and daughter have a human resources consulting business, and they won a contract with the school board three months ago to develop a performance appraisal process for teacher assistants. What should I do about this?

Employees must disclose whenever an employee's spouse, partner or dependent children have a contract or agreement with the school board unless the contract or agreement has been awarded by open public tender. This applies to contracts of any dollar value. Once disclosed, a determination will be made as to whether a conflict of interest exists and, if so, what steps must be taken to address the conflict.