Staff Conflict of Interest

Administrative Procedure 2.A.085

Board Governance Policy Cross Reference: 1, 2, 3, 12, 13, 16
Legal Reference: Public Schools Act

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1. General

The School District of Mystery Lake believes that all employees occupy positions of public trust and confidence and are expected to perform their duties professionally and impartially. In performing their duties, all employees of the District shall exercise great care that their influence with their students shall not be used for personal gain or to promote the commercial or partisan interests of any person, business, or institution.

2. Definitions

2.1 **Conflict of Interest** is defined as any direct or indirect interest in, connection with, or benefit from outside activities, especially business activities, involvement in which might adversely affect the District, or benefit the employee directly or indirectly as a result of the employee's position or connection with the District. This includes the use of District materials, personal contacts, knowledge or time during the workday for personal profit or gain.

A conflict of interest exists when an act to further the personal interest of an employee has a negative effect on the School District of Mystery Lake.

2.2 **Employee** refers to all persons who are currently engaged in active employment with the School District of Mystery Lake regardless of employment status (e.g. full-time, part-time, permanent, term, contract or casual).

2.3 **Immediate Relative** shall mean spouse, father, father-in-law, mother, mother-in-law, sister, sister-in-law, brother, brother-in-law, son, son-in-law, daughter or daughter-in-law.

3. Employee Responsibilities

The onus is on each employee to anticipate and to avoid conflicts of interest, including situations that could give the appearance of being in conflict with the District's interest.

3.1 No employee shall act as an agent for any person in the sale of or in promoting the sale of any book, equipment, furniture, apparatus, stationery or any other item for use in a school.

3.2 No employee shall receive any remuneration or other compensation for any such sale or for promoting any such sale as outlined in Section 3.1.

3.3 No employee shall have an interest, direct or indirect, in any supplier to the District which might:

- produce personal gain
- detract from the time and energy which such employee ought to devote to his or her duties on behalf of the District
- cause embarrassment to the District
- leave the employee open to pressure that might affect the interests of the District.

3.4 No employee shall conduct non-District business on District time, or use District equipment, resources, including financial, technical or human resources, or facilities, including communications channels, to promote or benefit personal business, political or religious interests, unless prior approval has been obtained, in writing, from the Superintendent or designate.

3.5 No employee shall use District property, including automated resources (e.g. computers, industrial arts equipment), for any purpose not explicitly approved by the District. All software and other material developed by employees of the District in the course of their employment during the workday or provided by third parties shall be treated as property of the District, including computer files in an employee's custody. Intellectual property developed by the teacher for use with students is the property of the teacher, unless specifically hired by the school district for the development of specific resources. Any unauthorized copying of proprietary material, including but not restricted to computer files, video tapes, and software may place the District in breach of copyright laws, and is strictly prohibited.

3.6 No employee shall furnish names, addresses and/or telephone numbers of students, parents/guardians or employees to outside interests, or use this information for their own purposes.

3.7 No employee shall use or transmit non-public information or use knowledge gained from District business for any personal business transaction before that information becomes public, or transmit such knowledge to any persons outside the District or to other employees of the District who do not need to know such information in the performance of their work. Employees who are unsure whether a particular piece of information is non-public in nature shall seek direction from their immediate supervisor.

3.8 No employee shall accept gifts, favours, fees, stipends, reduced or free goods or services or a benefit of any kind from an individual or company which provides goods or services to the District, or which is seeking to provide goods or services to the District, where the employee is in a position to influence such dealings. This provision does not preclude employees from accepting gifts or honoraria of modest value for services rendered in the course of their duties such as for speaking engagements or for accepting passes to accompany students on excursions or field trips which are in direct support of the event. Any such gift, honorarium or pass which exceeds an estimated value as established from time to time by the Superintendent shall be declared with the Superintendent or designate.

4. Employment Restrictions

4.1 No person shall be first employed or assigned to a school, department, or section in which an immediate relative is employed as a supervisor, foreman, department head, principal or administrator. (This will not apply to employees hired or assigned prior to the adoption of this administrative procedure.)
Supervision includes any of:

-assignment of duties
-approval of purchase orders
-determination of salary/wage level
-completion of performance evaluations
-decisions of promotion/retention/transfer

4.2 No person shall be employed in a position where, by reason of marital or family status, there would be the possibility of:

- collusion
- breach of confidentiality
- conflict of interest.

4.3 No person shall be permitted to hire or be responsible for hiring an immediate relative or a person about to become an immediate relative.

4.4 Exceptions to the above may be considered as outlined in 6.4 and 6.5.

5. Professional Services

5.1 Employees, including but not limited to teachers, clinicians and consultants, may only provide paid private services (eg. tutorial, psychological, therapeutic) to students or other employees who are not in areas in which the employee provides the same services in the course of his/her employment duties with the District.

5.2 The provision of paid private services by divisional employees may be considered if a request is made of the Superintendent that includes a statement that the service recipient (or responsible adult) has signed a waiver which acknowledges that the provider of the private services:

- is an employee of the District.
- has advised the recipient that, subject to eligibility criteria, alternative services may be available free of charge through the District
- has offered to facilitate the appropriate referral process for services within the District
- remains the provider of choice.

6. Exceptional Circumstances

6.1 Where an employee believes that exceptional circumstances exist or that a conflict of interest could exist or is likely to arise, the employee shall consult with his/her immediate supervisor.

6.2 If the supervisor agrees that there are exceptional circumstances or that a conflict exists or could arise, the supervisor shall notify the Superintendent or designate.

6.3 The Superintendent or designee shall issue a ruling as to an appropriate course of action to be followed.

6.4 In cases where a potential conflict of interest may arise with respect to a trustee or an immediate family member of a trustee, the matter shall be referred to the Board for consideration.

6.5 Hirings or assignments where no other qualified individuals than the immediate relative of a supervisor apply, or that applicant is considered the best candidate for that position, will be considered on an individual basis by the Board.