



**MOOSONEE DISTRICT
SCHOOL AREA BOARD**

BOARD GOVERNANCE POLICY	
Motion	2016-09-008
Adopted	September 27, 2016
Last Revised	
Review Date	

CONFLICT OF INTEREST: TRUSTEES AND STAFF

1. PURPOSE

The Moosonee District School Area Board is committed to safeguarding the public interest and trust in public education. This governance policy establishes the parameters for the conduct of trustees and staff regarding conflict of interest situations. It is aimed at enhancing standards of integrity and professionalism and at building a positive climate for learning and working together.

2. DEFINITIONS

Conflict of Interest: For the purposes of this policy, a conflict of interest is any situation in which a trustee or staff member attempts to promote private or personal interests of themselves or some other person, which results in or could appear to result in:

- a gain or an advantage, including a pecuniary advantage, because of the individual's position in the Moosonee District School Area Board;
- impairment of the individual's judgement and/or the performance of his or her duties or responsibilities to the Moosonee District School Area Board;
- negative impact on the reputation of the Board in the community.

An individual is in a conflict of interest when the individual uses his or her position, influence, Board time, resources, facilities, and/or student or staff information to get, or hope to get, personal gain.

Direct Pecuniary Interest: A direct pecuniary interest involves an actual or potential financial gain or loss to a trustee, staff member, a direct relative, or a direct relative of persons living in the same household.

Direct Relatives: Direct relatives may include, but are not limited to, a parent, spouse, or child, including stepchildren.

Indirect Pecuniary Interest: For the purposes of this policy, an indirect pecuniary interest is any matter in which a trustee, staff member, a direct relative, or a direct relative of persons living in the same household:

- is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public;
- has a controlling interest in, or is a director or senior officer of, a corporation that offers its securities to the public;
- is a member of a body that has a pecuniary interest in the matter; or
- is the partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. [S. 2, *Municipal Conflict of Interest Act*]

Personal Interest: Personal interests are non-financial interests that may influence or be influenced by personal or family relationships. Personal interests may result in favouritism towards a person or group of people as a result of one's personal connections or relationships.

3. POLICY

- 3.1 Trustees and staff members are expected to uphold the public trust and demonstrate integrity in all of their dealings. It is essential that a high standard of honesty, integrity, impartiality, and conduct be maintained in all activities and decisions of the Moosonee District School Area Board.
- 3.2 Trustees and staff members must be aware of and avoid situations which might result in an actual or apparent conflict of interest.

4. BOARD EXPECTATIONS: TRUSTEES

- 4.1 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.
- 4.2 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.
- 4.3 Trustees shall not use or attempt to use their position to purchase goods or services for personal use from any Board supplier at a discount or on the same or similar terms as the Board, with the exception of employee purchase plans in which trustees can participate.
- 4.4 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.
- 4.5 Trustees will not accept any benefits or gifts that impose an obligation to buy, receive, or refer on behalf of the Board.

5. ADDRESSING A CONFLICT OF INTEREST: TRUSTEES

- 5.1 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.

- 5.2 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.
- 5.3 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.
- 5.4 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. [Subsections 5.1 to 5.4 in this policy are from Section 5, *Municipal Conflict of Interest Act*]
- 5.5 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.
- 5.6 The *Municipal Conflict of Interest Act* describes consequences for contravention of its directives.

6. BOARD EXPECTATIONS: STAFF

- 6.1 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.
- 6.2 Staff members shall not use Board equipment, facilities, time, or human resources for personal or pecuniary gain for themselves or a direct relative.
- 6.3 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.
- 6.4 Staff members shall not purchase or recommend that any materials, supplies, or services be purchased on behalf of the Board from a company in which the employee has a direct or indirect interest.
- 6.5 Staff members shall not promote the sale of personal products or services to students, staff members, or others.
- 6.6 Staff members will not use or attempt to use their position with the Board to purchase goods or services for their personal use from any supplier to the Board at a discount or on the same or similar terms to the Board, with the exception of offers made to the Board staff through purchase plans or arrangements that are available to all Board employees.

- 6.7 Staff members will not accept a fee, gift, or personal or economic benefit 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. The frequency and nature of the gifts or hospitality shall not be allowed to be such that the recipient might be deemed to have been influenced in making a business decision as a consequence of accepting such gift or hospitality. The absence of actual or perceived influence is of particular importance during the tendering and/or proposal process for products and services.
- 6.8 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.
- 6.9 Staff members will not step out of their official roles with the Board to assist private entities or persons in their dealings with the Board where this would result in preferential treatment to any person.
- 6.10 Staff members shall not give preferential treatment to relatives, personal friends, or to organizations in which they or their relatives have an interest, financial or otherwise.
- 6.11 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. ADDRESSING A CONFLICT OF INTEREST: STAFF

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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, federation and union guidelines, and Board procedures regarding tutoring, including comments about and communication with the regular classroom staff, where applicable.
 - Private tutoring services may not be advertised using school or Board connections, publications, or through the Board's computer network.
- 7.5 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.
- 7.6 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 217, Promotion or Sale of Books, etc. by Employees
Regulation Made Under the Teaching Profession Act, S. 18 Duties of Member to Fellow Members

Municipal Conflict of Interest Act

Municipal Freedom of Information and Protection of Privacy Act

Board:

Policy No. GOV-01 Board Philosophy, Goals, and Values

Policy No. GOV-15 Code of Conduct: Board Members