

EASTERN SCHOOL DISTRICT

BOARD REGULATION

SUBJECT: **Conflict of Interest**

DATE OF ADOPTION: June 8, 2005

EFFECTIVE DATE: **June 8, 2005**

REVIEW DATE:

SUPERSEDES:

CROSS REFERENCE:

PAGE: 1 of 5

This Regulation is not exhaustive. Certain conduct, even if not proscribed in this document, may raise conflicts of interest. If such circumstances arise, the issue should be addressed in accordance with the general principles of the Policy and its Regulations.

Without limiting in any way policy AECA, the following Board Regulation is set out as a means of governance and illustration.

1. **Employees**

- a. Employees must ensure that their private interests do not prejudice their effectiveness in their position or compromise or embarrass the Eastern School District.
- b. An employee shall not, in the performance of his/her duties, grant consideration to any person, organization or company with which the employee has a conflict of interest unless authorized to do so by the Eastern School District's Superintendent of Education and the Board Chairperson and all of the following conditions are met:
 - i. That interest is disclosed to the Superintendent of Education and Board Chair; and,
 - ii. Both the Superintendent and the Board Chairperson approve, authorize, or ratify the action in good faith.
- c. An employee must not engage in any outside work or be involved in any business or undertaking, including a relationship of ownership or employment or consanguinity or marriage to an owner, officer, employee, and/or consultant, or hold any property of interest, either personally or through a company or agent, that may or will be in conflict, or give a perception of conflict, with the employee's duties to the Eastern School District.

- d. The Eastern School District normally will not conduct business relationships with an employee with external business interests, unless there is no other source for the required product or service. Exceptions will require the approval of the Eastern School District's Superintendent of Education and the Board Chairperson, as noted above.
- e. An employee must not accept any consideration or gratuity whatsoever for advice given, service provided, or materials prepared in connection with any application, submission, or proposal made to the Eastern School District or be a party to, or have an interest, direct or indirect, in any transaction or contract (other than through a collective agreement) to which the Eastern School District or any board or commission is a party.
- f. An employee shall not accept any money, property, position, or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have, dealings with the Eastern School District, save for appropriate refreshments or meals. An employee shall immediately report to their supervisor any offer received of any such money, property, position, or favour.
- g. An employee may participate in Eastern School District programs open to the public and may purchase Eastern School District property or goods offered through a broker of the Eastern School District for public sale.
- h. An employee must not place him/herself in a position where he or she is, or may be, under an obligation to any person who has a business or other dealings with the Eastern School District and would benefit from special consideration or treatment by that employee.
- i. An employee shall not, except on his/her own behalf or on behalf of a charitable or non-profit organization or as part of their duties to the Eastern School District, represent any private interest or interests before the trustees or any of the Eastern School District's committees.
- j. Where an employee has an interest in a matter they are dealing with as a result of a membership in a club, company, or organization, the employee should recuse him/herself from making critical decisions or granting approvals.

2. **Protocol for Disclosure of Conflict of Interest:**

- a. The onus is on all employees to self-declare any conflict of interest.
- b. If an employee feels that there may be a conflict of interest situation, the employee must make that concern known to the employee's supervisor:
 - i. All concerns involving conflict of interest must be brought to the attention of the employee's supervisor who will communicate that concern to the Superintendent of Education;

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- ii. Where an employee and the employee's supervisor disagree with respect to the appropriate arrangements necessary to achieve compliance with the Policy, the disagreement shall be submitted to the Superintendent of Education;
 - iii. If a concern is raised during a formal meeting, the concern must be raised as a question, not an accusation. The person presiding over the formal meeting will then suspend discussion, to address the conflict of interest concern. Those present will discuss the situation and determine if there is a conflict. The matter can be resolved if:
 - (1) the employee alleged to be in conflict agrees that a conflict exists, and then removes himself/herself from the meeting until the agenda item is dealt with;
 - (2) the employee alleged to be in conflict contests the allegation, the person presiding over the formal meeting suspends discussion of the item and refers the issue to the Superintendent of Education for determination.
 - c. The person with the conflict of interest must leave the meeting until the agenda item is dealt with. The minutes of all actions taken on such matters shall clearly reflect that these requirements have been met.

3. Trustees

- a. Trustees must ensure that their private interests do not prejudice their effectiveness in their position or compromise or embarrass the Eastern School District.
- b. A Trustee shall not, in the performance of his/her duties to the Board, grant consideration or treatment to any person, organization or company with which the Trustee has a conflict of interest unless all of the following conditions are met:
 - i. That interest is disclosed to the Board Chairperson, and the Board of Trustees; and,
 - ii. The Board of Trustees, by majority vote (not counting the affected Trustee(s)) approve, authorize, or ratify the action in good faith.
- c. The Eastern School District and Board normally will not conduct business relationships with a Trustee, unless there is no other source for the required product or service. Exceptions will require the approval of the Board, as noted above.
- d. A Trustee must not accept any consideration or gratuity whatsoever for advice given, service provided, or materials prepared in connection with any application, submission, or proposal made to the Eastern School District or Board or be a party to, or have an interest, direct or indirect, in any transaction or contract (other than through a collective agreement) to which the Eastern School District or Board is a party.

- e. A Trustee shall not accept any money, property, position, or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have, dealings with the Eastern School District or Board, save for appropriate refreshments or meals. A Trustee shall immediately report to the Board Chairperson any offer received of any such money, property, position, or favour.
- f. A Trustee may participate in Eastern School District programs open to the public and may purchase Eastern School District property or goods offered through a broker of the Eastern School District for public sale.
- g. A Trustee must not place himself/herself in a position where he or she is, or may be, under an obligation to any person who has a business or other dealings with the Eastern School District or Board and would benefit from special consideration or treatment by that Trustee.
- h. A Trustee shall not, except on his/her own behalf or on behalf of a charitable or non-profit organization or as part of their duties to the Eastern School District, represent any private interest or interests before the trustees or any of the Eastern School District's committees.
- i. Where a Trustee has an interest in a matter they are dealing with as a result of a membership in a charitable or non-profit organization, the Trustee must recuse himself/herself from participating in discussions, making critical decisions or granting approvals.

4. **Protocol for Disclosure**

- a. The onus is on all Trustees to self-declare any conflict situation. The Trustee will recuse himself/herself from any portion of any Board meeting or Committee of the Board where the matter involving the conflict is being discussed or decided.
- b. If another person raises a conflict of interest concern during a Board meeting or Board Committee meeting, the concern must be raised in the form of a question, not an accusation, to the Board. The chairperson of the meeting will then suspend discussion on the item and the Board will determine if there is a conflict. The matter can be resolved at this level if:
 - i. The Trustees agree that there is a conflict and the trustee in conflict must then leave the room until the item is dealt with;
 - ii. If the Trustee in question agrees there is a conflict but suggests that the conflict is manageable, the question is then referred back to the Board for a decision by the Board as to whether or not the degree of conflict is manageable. The person with the conflict of interest must leave the meeting until the agenda item is dealt with.
 - (1) If the Board, by majority vote (not including the Trustee(s) with the alleged conflict), agrees that the conflict is manageable, the item is put back on the agenda and the meeting resumes;

- (2) If the Board, by majority vote (not including the Trustee(s) with the alleged conflict), agrees that the conflict is not manageable, at which time the item will be returned to the agenda and the meeting resumed;
or
 - (3) The Trustees agree that there is no conflict and the meeting resumes.
- c. The minutes of all actions taken on such matters shall clearly reflect that these requirements have been met.

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