

TITLE: EMPLOYEE CONFLICT OF INTEREST

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1.0 OBJECTIVE

To define guidelines and restrictions for employees with respect to conflict of interest.

2.0 DEFINITIONS

In this policy,

- 2.1 **Employee** refers to all persons who are currently engaged in active employment with the Board, regardless of employment status (e.g. full-time, part-time, regular, term, contract).
- 2.2 **Conflict of interest** is defined as any direct or indirect interest in, connection with, or benefit from, outside activities, especially business activities in which involvement might adversely affect the Board or benefit the employee directly or indirectly as a result of the employee's position or connection with the Board. Employees must remain free of any such obligation, interest or distraction that may adversely affect or interfere with the employee's judgment and/or objectivity in the performance of duty as an employee of the Board.
- 2.3 **Family member** shall have the same meaning as a "related person" under the *Income Tax Act*, and includes a spouse, child, grandchild, parent, parent-in-law, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law, or anyone for whom the employee stands in *loco parentis*.

3.0 POLICY

- 3.1 The employees of the Ottawa-Carleton District School Board ("OCDSB" or "the Board") occupy positions of great public trust and confidence. They are expected to discharge their duties and responsibilities professionally, efficiently and impartially.

- 3.2 The onus is on each employee to anticipate and to avoid conflicts of interest. No employee shall have an interest, direct or indirect, in any supplier of the Board which might:
- a) produce personal gain for an employee at the expense of the Board;
 - b) detract from the time and energy which such employee ought to devote to his or her duties on behalf of the Board;
 - c) cause embarrassment to the Board; or
 - d) leave the employee open to pressure that might affect the interests of the Board.

It is important to avoid not only real conflicts of interest but also being placed in the position that could give the appearance of being in conflict with the Board's interest.

- 3.3 It is imperative that employees always be seen as acting in the best interests of the publics they serve, and do not compromise themselves in the discharge of their duties by offering to accept, directly or indirectly, any gift, reward, benefit or favour or using their position or the resources of the Board for personal or private gain. Specifically, the following legislation or professional standards govern the conduct of the employees of the Board:

The Education Act, 1998, Section 217: applicable to all Board employees;

Policy of the Ontario Teachers' Federation, Section III, Professional Ethics: applicable to all members of the Teachers' Federations.

- 3.4 In extension of the foregoing, it is the policy of the Ottawa-Carleton District School Board that no employee shall accept any gift, reward, benefit or favour which could reasonably be construed as an incentive to encourage the recipient to use his or her influence with pupils, parents, staff or other persons associated with the Board, for the purpose of:
- a) patronizing any commercial enterprise;
 - b) obtaining preferential treatment for persons, agents or organizations in their dealings with the Board, including suppliers, consultants and contractors.

4.0 SPECIFIC DIRECTIVES

- 4.1 No employee of the Board shall, for compensation of any kind other than his or her salary as such employee, promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to the Board or any school Board, provincial school or teachers' college, or to any pupil enrolled therein. This restriction does not apply in respect of a book or other teaching or learning materials of which the employee is an author where the only compensation that the employee receives is a fee or royalty.
- 4.2 No employee of the Board shall conduct non-Board business on Board time, or use Board equipment, resources, including financial, technical and 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 Director of Education or designate.

- 4.3 No employee of the Board shall use Board property, including automated resources, for any purpose not explicitly approved by the Board. All software developed by employees of the Board in the course of their employment or provided by third parties shall be treated as property of the Board. This requirement extends to information held on magnetic media (e.g. computer disks) within an employee's custody. Any unauthorized copying of proprietary material, including but not restricted to computer tapes, video tapes and software may place the Board in breach of copyright laws, and is strictly prohibited.
- 4.4 No employee of the Board shall furnish lists or names, addresses and/or phone numbers of pupils, or of the pupils' parents/guardians, to outside interests.
- 4.5 No employee of the Board shall use or transmit non-public information or use knowledge gained from Board business for any personal business transaction before that information becomes public or transmit such knowledge to any persons outside the Board or to other employees of the Board 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.
- 4.6 Goods and services not specifically restricted by this policy may be promoted, offered for sale or sold through the schools with the prior approval, in writing, of the Director or designate. Questions of whether the promotion or sale of goods and services are prohibited or permissible with approval shall be determined by the Director or designate.
- 4.7 Employees, including but not limited to teachers and student services personnel, may only provide private services (e.g. tutorial, psychological, therapeutic, clerical, technical, financial, mechanical) to students or other employees who are not in the schools or areas in which the employees provide the same services in the course of their employment duties with the Board, and then only with the prior consent, in writing, of the Director of Education or designate. Any such request must include a statement that the potential service recipient (or responsible adult) has signed a waiver (please see Attachment A, Page 1 and Page 2), which acknowledges that the provider of private services:
 - a) is an employee of the Board;
 - b) where applicable, has advised that, subject to eligibility criteria, alternative services within the Board may be available and that these services are provided free of charge;
 - c) where applicable, has offered to facilitate the appropriate referral process for services within the Board;
 - d) remains the provider of choice.

In making such a request to provide private services, the employee shall not be required to disclose the identity of the service recipient.

- 4.8 No employee shall use his or her influence to gain special favour for a family member in obtaining employment with the Board, obtaining contracts or any other financial benefit. Specifically, employees who are in a position to make hiring/selection decisions will not hire a family member to work for them directly in any capacity.
- 4.9 This policy does not preclude the hiring or employment of staff who are members of another employee's immediate or extended family. It also does not preclude an employee from supervising, either directly or indirectly, a family member. Nevertheless, it is incumbent on employees involved in or responsible for the hiring/selection or supervision of staff to ensure that any such arrangements involving family members meet the tests of equity and propriety.
- 4.10 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 Board, or which is seeking to provide goods or services to the Board, where the employee is in a position to influence such dealings. This includes the acceptance of reduced or free seasonal passes from ski hill operators for participation in familiarization programs. This policy does not preclude employees from accepting gifts or honoraria of modest value for services rendered in the course of their duties, (e.g. for speaking engagements), which are given as a token of appreciation only. Also, they may accept passes required 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 Director of Education, shall be declared with the Director of Education or designate.
- 4.11 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 or her immediate supervisor. If the supervisor agrees that there are exceptional circumstances or that the conflict exists or could arise, the Director of Education or designate shall be notified in writing, and shall issue a ruling as to an appropriate course of action to be followed.
- 4.12 An employee who has acted in contravention of this policy is subject to appropriate disciplinary penalties to be imposed at the discretion of the Director or designate.

5.0 APPENDICES

Attachment A: ACKNOWLEDGMENT AND WAIVER OF POTENTIAL CONFLICT OF INTEREST

6.0 REFERENCE DOCUMENTS

Education Act, 1998, § 217

Income Tax Act

Policy of the Ontario Teachers' Federation, Section III, Professional Ethics

Board Policy P.052.SCO: Fund-raising in Schools

Board Policy P.069.FIN: Tendering, Purchasing and Acquisition of Supplies and Services
Board Policy P.095.PLG: Decommissioning and Disposal of Surplus Board Property
Board Procedure PR.502.FIN: Spending Authorization and Controls
Board Procedure PR.558.FIN: Tendering, Purchasing and Acquisition of Supplies and Services

Re:

 (name of student)

and

 (name of Board staff member)

The attached "ACKNOWLEDGMENT AND WAIVER OF POTENTIAL CONFLICT OF INTEREST" regarding _____ (name of student) has been reviewed and accepted by the Director of Education and is valid for the period to the end of August of the current school year.

Date: _____ Director of Education or Designate: _____

ACKNOWLEDGMENT AND WAIVER OF POTENTIAL CONFLICT OF INTEREST

I, _____ (name of parent), on my behalf and on behalf of my child
_____ (name of student) confirm that I have retained, on a fee for service basis,
_____ (name of board employee) to work with my child after regular school hours.
I further confirm I am aware that _____ (name of board employee) is employed by
the Ottawa-Carleton District School Board as an Educational Assistant and that:

he/she works with my child at school as part of his/her regular duties

or

he/she works elsewhere in the school and may at some time in the future work directly
with my child.

I acknowledge my understanding that the hiring of an Ottawa-Carleton District School Board
employee to work with my child after regular school hours creates a potential conflict of interest for
the employee within the meaning of Ottawa-Carleton District School Board Policy P.024HR
(Employee Conflict of Interest).

I hereby accept that a conflict of interest may arise as a result of my decision to hire
_____ (name of Board employee) and that I am prepared to proceed with the
arrangement with full knowledge of this potential for a conflict of interest.

As a result of the disclosure contained in this document I agree that I will make no claim against the
Ottawa-Carleton District School Board or _____ (name of Board employee) in
which I allege any undisclosed conflict of interest or contravention of Ottawa-Carleton District School
Board Policy P.024HR

Date: _____ Parent(s)/Guardian(s): _____

Instructions: Staff member: please explain the necessity for this to be completed and when
signed, forward the original document to _____

Note: If approved, copies will be forwarded to:
(a) Staff member
(b) Parent/Guardian
(c) Principal of staff member's School/Department
(d) Principal of student's School/Department for the OSR