
CONFLICT OF INTEREST

Definition

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 Division or benefit the employee directly or indirectly as a result of the employee's position or connection with the Division, including the use of Division 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 Swan Valley School Division.
2. Employee refers to all persons who currently are engaged in active employment with the Swan Valley School Division regardless of employment status (e.g., full-time, part-time, permanent, term or contract).
3. Family Member is as defined under the Income Tax Act and includes a spouse, child, grandchild, parent, parent-in-law, son/daughter-in-law, brother, sister, brother/sister-in-law, or anyone for whom the employee stands in loco parentis.
4. Immediate Relative shall mean spouse, father, mother, sister, brother, son or daughter.

Conflict of Interest Situations

The following situations may place an employee in a conflict of interest situation:

1. Involvement in an activity outside the Swan Valley School Division for personal financial gain or employment that uses time paid for by the Division (i.e., workday) such that it has an adverse effect on performance of duties for the Division or uses Division resources for the activity.
2. Soliciting or accepting gifts, considerations, prizes or hospitality, other than those of a modest nature, from any person, firm or corporation with whom the Division does business. This does not include teachers receiving small gifts from students or attendance of staff at events in appreciation of their services.

3. Using association with the Division or the advantage of privileged information for the financial or other gain of a third party.
4. Seeking to obtain preferential treatment from the Division for a relative, friend or commercial enterprise in which the employee, a relative or a friend has a financial interest.
5. Recruiting, selecting or retaining a relative for employment, if in a position of authority.
6. Influencing another employee to recruit, select or retain a relative.

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 Division's interest.

1. No employee shall act as 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.
2. No employee shall have any involvement in the development of a tender or in the tendering process for products which may be of interest to a business to which he/she is affiliated.
3. No employee shall have an interest, direct or indirect, in any supplier to the Division which might:
 - detract from the time and energy which such employee ought to devote to his or her duties on behalf of the Division
 - cause embarrassment to the Division
 - leave the employee open to pressure that might affect the interests of the Division.

4. No employee shall accept any gift, reward, benefit or favour which could reasonably be construed as an incentive to encourage the employee to use his or her influence with students, parents, staff or other persons associated with the Division for the purpose of patronizing any commercial enterprise or obtaining preferential treatment for persons, agents or organizations in their dealings with the Division, including suppliers, consultants and contractors.
5. No employee shall conduct non Division business on Division time or use Division 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 designee.
6. All software and other material developed by employees of the Division in the course of their employment during the workday or provided by third parties shall be treated as property of the Division, including computer disks in any employee's custody.
7. 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 purpose.

Use of Information, Facilities or Property

Employees may not carry on any business or employment outside the Division in which they make unauthorized use of information they have acquired as a result of their employment in the Division or of property or facilities owned or leased by Division.

Employees and volunteers may not, except as authorized or required by their duties, reveal any confidential information concerning the operation, financing and business transactions of the Division which may come to their knowledge during their employment.

Employees and volunteers must keep completely secret all confidential information entrusted to them and not use or attempt to use any such information in any manner which may injure or cause loss, either directly or indirectly, to the Division.

Employees and volunteers shall not use any such information in any manner which may benefit them either directly or indirectly.

Employment Restrictions

1. No person who is an immediate relative of the superintendent or any member of the Board of Trustees who, upon applying for employment in the Division and being successful in having their application accepted, shall be employed until such employment is ratified by the Board of Trustees by way of a resolution duly recorded in the minutes.
 - 1.1. For purposes of this policy, relative shall mean spouse, father, mother, sister, brother, son or daughter.
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.
3. No person shall be permitted to hire or be responsible for hiring a member of his/her own family, a relative or a person about to become a relative.

Business and Purchasing Transactions

All personnel in the employ of the Division shall exercise the greatest care that neither their influence with their pupils nor their position on staff be used for personal advantage or the promotion of any commercial or partisan interest of any person, business or institution.

Without limiting the generality of the foregoing, no employee of the Division shall:

- 1) engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a question of conflict with his or her duties or responsibilities;

- 2) act as agent for any person in the sale or the promoting of selling of any item for use in the Division;
- 3) exercise any influence over any purchase made by the Division which would result in a personal benefit being received.

In the event that any employee or a member of his/her family owns or has significant interest in any company that completes business transactions with the Division, that employee shall complete a declaration to so indicate. This declaration shall include:

- 1) the name of the company
- 2) the business address
- 3) the officers of the company.

Professional Services

Employees, including but not limited to teachers, clinicians and consultants, may only provide private services (i.e., tutorial, psychological, therapeutic, clerical, technical, financial or mechanical) to students or other employees who are not in the schools or areas in which the employee provides the same services in the course of his/her employment duties with the Division and then only with the prior consent, in writing, of the Superintendent or designate. Any such request must include a statement that the potential service recipient (or responsible adult) has signed a waiver which acknowledges that the provider of private services:

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

Exceptional Circumstances

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.
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 designee.
3. The Superintendent or designee shall issue a ruling as to an appropriate course of action to be followed.
4. In cases where a potential conflict of interest may arise with respect to remuneration to an immediate family member of a trustee, the matter shall be referred to the School Board for consideration.

Contravention of Administrative Procedure

An employee who has acted in contravention of this administrative procedure is subject to disciplinary measures.