

Policy Title	Conflict of Interest		
Date of Issue	June 20, 2000	Related Procedure	
Revision Dates	December 19, 2006; February 21, 2012 (rev. Rationale-Strategic Plan); May 21, 2013; October 16, 2018; December 15, 2020	Related Forms	
Review Date	October 1, 2023	Originator	Board of Trustees
References			
Municipal Conflict of Interest Act - pecuniary interest only; Bylaws and Policies of the Ontario Teachers' Federation, March 2017; Education Act R.S.O. 1990, c. E.2, s. 217 (1); Ontario Regulation 298 "Operation of Schools – General"; AP 5602-D "Field Trips"; Bluewater District School Board Procedural By-Laws; OPSBA's Guide to Good Governance 2018-2022			

1.0 RATIONALE

- 1.1 Bluewater District School Board policies will support and provide direction necessary to achieve the board's Vision, Mission and Strategic Plan priorities.
- 1.2 Bluewater District School Board is committed to the protection of public interest and trust in public education. In support of this commitment it is imperative that employees and trustees uphold this trust by demonstrating integrity in all their dealings, and that they not compromise themselves in the discharge of their duties. Conflict of interest, whether actual, potential, or perceived, may impact the integrity and public image of the board.

2.0 POLICY

- 2.1 Bluewater District School Board employees and trustees will not knowingly act and/or persist in a conflict of interest.
- 2.2 When a conflict of interest, or an apparent conflict of interest, arises the individual in conflict has a duty to immediately disclose the situation to their immediate supervisor. Failure to report a conflict of interest, whether due to dishonesty or inattention, will result in appropriate action as determined by Bluewater District School Board, which may include disciplinary action.

3.0 DEFINITION

- 3.1 A **conflict of interest** exists where one's personal interest actually or could conflict with or appear to conflict with the employee's/trustee's responsibility to the board, and/or the interests of the Bluewater District School Board, regardless of whether such conflict actually exists.
 - a) Circumstances in which a conflict of interest could or might be deemed to exist include, but are not limited to the following:
 - i. participating in, or exerting influence on any decision, with respect to any employment process (e.g., hiring, appointment, promotion, supervision, or evaluation), contract, arrangement, transaction, program or any other matter or proposed contract, arrangement, transaction, or any other matter in which the member has any direct or indirect interest;
 - ii. nepotism or favouritism;
 - iii. ownership of a material interest in any supplier, contractor, subcontractor, or other entity with which the board does business;

- iv. acting in any capacity, including director, officer, partner, consultant, employee, distributor, agent for any supplier, contractor, subcontractor, or other entity with which the board does business;
- v. has a controlling interest in or is a director or senior officer of a publicly traded corporation with which the board does business;
- vi. is a shareholder, director, or senior officer of a privately held company with which the board does business;
- vii. ownership or acquisition of property, the value of which is likely to be affected by any action of the board;
- viii. using students, staff, or board resources or facilities to benefit a concern in which the member has a financial or other interest;
- ix. using for personal gain or other unauthorized purposes, information which is privileged and confidential to the board.

- 3.2 **Relationship** is defined as any relationship of the employee or trustee to persons of their immediate family, whether related by blood, adoption, marriage, or common-law relationship, and any relationship of an intimate or financial nature during the preceding five years, any student-supervisor relationship, or any other past or present relationship, that may give rise to a reasonable apprehension of bias.
- 3.3 **Immediate family** is defined as one's parent(s), stepparent(s) or guardian(s), sibling(s), child(ren), spouse, grandparent(s), grandchild(ren), or immediate in-laws.
- 3.4 Complimentary accommodations or services received by staff organizers while performing their duties as a supervisor of students during board approved activities such as field trips shall not be considered a form of personal gain (see AP 5602-D "Field Trips – Approval Process").
- 3.5 Full disclosure of incentives must be made to students and parents and how they will be used. There shall be no personal gain or reward from travel incentives; use of reward points must be used to the benefit of the school (e.g., purchase of equipment, offset transportation costs to and from the airport, used for financial accessibility issues) (see AP 5602-D "Field Trips – Approval Process").

4.0 SYSTEM EXPECTATIONS

4.1 General

- 4.1.1 No employee or trustee shall participate in any decision that directly or indirectly benefits themselves or any individual with whom the trustee has an immediate familial, marital, sexual, or financial relationship.
- 4.1.2 No employee or trustee shall attempt to influence the discussion or vote on any matter in which the trustee would benefit directly, indirectly, actually, or apparently.
- 4.1.3 No employee or trustee shall make a commitment with any institution or organization that is not directly under the jurisdiction of Bluewater District School Board, involving services requiring a commitment of time, during regular business hours that might interfere with the execution of their regular duties for the board, whether voluntary, or for payment, without having approval from the director of education.
- 4.1.4 No employee or trustee, who is the author of a book or other materials will, for compensation of any kind - direct or indirect, have the right or opportunity to influence or determine in any manner the appropriateness of such book or materials to be used in schools.
- 4.1.5 Employees, trustees, and/or members of their immediate family, should refrain from engaging in activities that may create, or appear to create, a conflict of interest; such as, accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.

4.1.6 Employees and trustees have an obligation to disclose actual or apparent conflict of interest and will do so in accordance with sections 4.2 and 4.3 of this policy, as appropriate.

4.2 Trustee-Specific Expectations for Disclosure (please also see Bluewater District School Board Procedural By-Laws section 3.37 'Disclosure of Pecuniary Interest')

4.2.1 A trustee who has any interest, directly or indirectly, actual, or apparent, in any contract, transaction, proposed contract or proposed transaction under consideration by the board shall:

- a) declare the nature and extent of the interest as soon as possible, and no later than any meeting in which the member participates and at which the matter is to be considered, and such declaration shall be recorded in the minutes of the board;
- b) not take part in any decision, including any discussion or vote, in relation to the matter; and
- c) withdraw from any meeting not open to the public when the matter is being discussed.

4.2.2 Bluewater District School Board will maintain a registry of statements and declarations of interest related to pecuniary interest.

4.3 Employee-Specific Expectations for Disclosure

4.3.1 An employee who has any interest, directly or indirectly, actual, or apparent, in any contract, transaction, proposed contract or proposed transaction under consideration by the board shall:

- a) declare, in writing to their supervisor, the nature and extent of the interest as soon as possible and no later than any meeting in which the member participates and at which the matter is to be considered;
- b) not take part in any decision, including any discussion or vote, in relation to the matter; and
- c) withdraw from any meeting or process when the matter of conflict is being discussed until a decision has been reached regarding the way the conflict of interest will be addressed.

4.3.2 A conflict of interest pertaining to an employee may also be reported by any other person. A report, to the employee's supervisor, regarding a potential, apparent or actual, conflict of interest shall be made in writing.

4.3.3 If the supervisor to whom the disclosure is made also has a conflict of interest, the disclosure should be made in writing to the person at the next highest level of authority.

4.3.3 The supervisor will investigate to determine if a conflict of interest exists. Where appropriate, the supervisor may consult with the employee and/or others.

4.3.4 The existence of a conflict of interest does not necessarily preclude involvement in the issue which has given rise to the conflict. If a supervisor determines that a conflict of interest exists, the supervisor will decide (and document in writing) whether the employee may be permitted to be involved in the ongoing matter, without participating in a final decision.