



# Huron-Superior Catholic

## DISTRICT SCHOOL BOARD

### PROCEDURAL GUIDELINES CONFLICT OF INTEREST

#### **Legal References**

Procedural guidelines related to conflicts of interest are related to various agreements, directives, and pieces of legislation, including, but not limited to school district collective agreements, both central and local; the *Education Act*; and all applicable regulations thereunder, including *Policy / Program Memorandum No. 165 – School Board Teacher Hiring Practices (PPM 165)*.

#### **Definitions**

- **Conflict of interest** refers to a potential, apparent, or actual conflict where an employee's financial or other personal interest, whether direct or indirect, conflicts or appears to conflict with the employee's responsibility to the school board, or with the employee's participation in any recommendation or decision pertaining to human resources procedures within the school board (e.g., hiring, promotion, evaluation, supervision).
- **Employee** refers to full-time, part-time, or casual / occasional employees of the school board.
- **External activity** refers to any activity of an employee outside the scope of her/his employment with the school board, undertaken as part of a commercial or volunteer enterprise.
- **Relationship** refers to any relationship of the employee to persons of:
  1. Their immediate family, as defined in the applicable collective agreement or terms and conditions for non-union employees;
  2. A relative, as defined in the applicable collective agreement or terms and conditions for non-union employees;
  3. Past or present private interests in connection with a candidate or applicant where their involvement in the hiring process could conflict with their duties.
- **Supervisor** refers to the person to whom an employee reports.

## **Specific Conflicts**

Conflicts of interest may include, but are not limited to:

- Participating in, or influencing the outcome of, the appointment, hiring, promotion, supervision, or evaluation of a person with whom the employee has, or has had, a relationship.
- Acceptance by an employee of a gift from any of the following persons or entities, if a reasonable person might conclude that the gift could influence the employee when performing hiring duties with the school board:
  - a) A person, group, or entity that has dealings with the school board;
  - b) A person, group, or entity to whom the employee provides services in the course of his or her duties to the school board;
  - c) A person, group, or entity that seeks to do business with the school board.

An employee who is offered a gift in the circumstances described above shall, in writing, notify his or her supervisor.

## **Procedures for Disclosure of Conflicts of Interest**

All employees have an obligation to disclose to their supervisor any conflict of interest. The employee must declare and disclose the nature and extent of the conflict of interest, as soon as she/he could reasonably be aware that one exists and no later than any meeting or process in which the employee participates and at which the matter is to be considered.

The employee must refrain from taking part in any discussion or decision-making in relation to the matter and withdraw from any meeting or process when the matter is being discussed until a decision has been reached regarding the manner in which the conflict of interest will be addressed.

A conflict of interest involving an employee may also be reported to a supervisor by any other person. A report to a supervisor about the existence of a potential, apparent or actual conflict of interest shall be made.

## **Procedures for Management of Conflicts of Interest**

Where the hiring of employees is concerned:

- No employee of the Huron-Superior Catholic District School Board (HSCDSB) will participate in, or influence the outcome of, the hiring of a person with whom the employee has a relationship.

- Where the person with whom the employee has the relationship is one of multiple applicants or candidates in a competitive hiring process, the employee shall not participate in, or influence the outcome of, any aspect of that hiring process.
- Where a conflict of interest as identified in the preceding sections occurs, the employee shall have the ability to declare a conflict to the Manager of Human Resources. If the Manager of Human Resources determines that a conflict of interest exists, s/he shall assign these duties to another person who does not have a conflict of interest in consultation with Administrative Council and shall give any further direction to the employee considered necessary to protect the integrity of the hiring process.
- Prior to holding interviews, panels will be provided with a list of applicants to determine if a conflict of interest exists. Disclosure is important and it is incumbent upon the employee to declare such conflict of interest.
- In the event that the Director of Education is in conflict, the Supervisory Officer responsible for Human Resources will approve the interview panel's recommendation for hire on behalf of Administrative Council.

Where the supervision, evaluation, discipline, promotion, management, and/or other human resources functions of employees is concerned:

- HSCDSB will do its utmost to avoid family and/or relatives from working together if such employment places them in a supervisory relationship, either in a subordinate or supervisory role to each other, giving due regard to avoiding such situations.
- It is the responsibility of employees to give due regard to avoiding such situations when a family relationship develops that puts them in a supervisory relationship. Where a supervisory relationship is unavoidable, the Director of Education or designate may re-assign.

### **Options for Resolving Conflicts of Interest**

Should a potential conflict of interest be reported, various options exist to resolve it, as outlined in what follows:

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

- If the supervisor determines there is a conflict of interest, the supervisor should resolve the matter as outlined above and will document, in writing, any remedies that have been applied.
- 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.
- In situations where conflict or potential conflict involves the transfer of a family member or relative and, where the supervisor feels the concern has sufficient validity, the family member or relative will not be transferred. The Director of Education must approve any exceptions.

If a supervisor determines that a conflict of interest exists, the supervisor will decide a course of action from the following options:

- If the matter pertains to the hiring of a person with whom the employee has a relationship, and where the employee may be knowledgeable and have information central to the discussion, the employee with a conflict or appearance of conflict may be permitted to be involved in the matter without participating in the final decision.
- If an employee fails to disclose a conflict related to the hiring of a person with whom s/he has a relationship, a range of remedies can be applied, up to and including the employee's termination of employment.

### **Contraventions of the Policy / Procedural Guideline**

Adherence to this policy and procedural guideline, in letter and in spirit, is crucial to the relationships of trust that exist between the school board, its employees, and the public. Contraventions of this policy and procedural guideline, whether arising from dishonesty or inattention, undermine these relationships and may lead to disciplinary action. For employees, disciplinary sanctions for breach of this policy may take a range of forms appropriate to the nature of the contravention and could include dismissal from employment.