



## YORK REGION DISTRICT SCHOOL BOARD

### ***Policy and Procedure #222.0, Conflict of Interest***

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The Conflict of Interest policy and procedure addresses how a conflict of interest for trustees and staff members of the York Region District School Board is handled.

#### **Who has responsibilities**

- The Board of Trustees
- Director of Education
- Superintendents
- Principals, Managers and Supervisors
- Board and Trustee Services
- All Staff Members

#### **How is this policy and/or procedure related to Board priorities?**

The Conflict of Interest policy and procedure ensures the stewardship of Board resources by demonstrating professionalism and accountability for high standards of practice in all Board operations and decisions.

#### **Legislative Context**

[Education Act](#)

[Municipal Conflict of Interest Act](#)

#### **Department**

Human Resource Services

*It is the expectation of the York Region District School Board that all employees, students and persons invited to or visiting Board property; or partaking/volunteering in Board or school-sponsored events and activities will respect the policies and procedures of the Board. The term “parents” refers to both biological/adoptive parents and guardians in all Board policies and procedures.*



# Board Policy #222.0 Conflict of Interest

Trustees and staff members of the York Region District School Board are entrusted with the protection of the public interest in many significant areas of the education system. It is essential that a high standard of honesty, integrity, impartiality and conduct be maintained in all Board activities and decisions. Trustees and staff members must be aware of and avoid situations which might result in an actual or apparent conflict of interest and conduct themselves accordingly.

## **Application**

The Board of Trustees reviews the [Conflict of Interest](#) policy in accordance with the priorities in the [Multi-Year Plan](#) and the approved policy review cycle. Trustees are responsible for understanding and communicating with members of the community about the [Conflict of Interest](#) policy; and strictly adhering to the [Municipal Conflict of Interest Act](#).

## **Definitions**

### *Conflict of Interest*

Is a situation in which a trustee or staff member attempts to promote private or personal interests, of themselves or some other person, which results or could appear to result in:

- an interference with the Board's;
  - [Mission, Vision and Values](#),
  - priorities, and/or
  - policies and procedures; and/or
- a gain or an advantage (including pecuniary) by virtue of his/her position in the York Region District School Board; and/or
- the use of a position of authority to influence hiring decisions.

### *Direct Pecuniary Interest*

Involves an actual or potential financial gain or loss to a trustee, staff member, a direct relative or a direct relative of persons living in the same household.

### *Direct Relatives or Individuals who Share the Same Household or Have a Significant Social Relationship*

May include, but are not limited to, a parent, spouse or child, stepchildren.

### *Indirect Pecuniary Interest*

Is any matter in which a trustee, staff member, a direct relative or a direct relative of persons living in the same household:

- is a shareholder, director or senior officer of a corporation that does not offer its securities to the public in the matter;
- has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public in the matter;
- is a member of a body that has a pecuniary interest in the matter; or
- is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter.

### *Personal Interest*

Are non-financial interests that may influence or be influenced by personal or family relationships. Personal interests may result in favouritism towards a person or group of people as a result of one's personal connections or relationships.

### *Significant Social Relationship*

Includes, but is not limited to, personal relationships such as family, close friendships and associations, and other emotional relationships.

## **Responsibilities**

*The Board of Trustees is responsible for:*

- not participating in any discussion or decision being made by the Board without declaring their direct personal or direct or indirect pecuniary interest;
- declaring a possible conflict of interest when in attendance at public Board or committee meetings by;
  - disclosing the interest and its general nature prior to any consideration of the matter at the meeting,
  - not participating in the discussion of, or vote on any question about the matter,
  - not attempting in any way before, during or after the meeting to influence the voting on any such question; and
  - engaging the Integrity Commissioner to provide general information with respect to the trustee's obligations under the Municipal Conflict of Interest Act.
- in addition to the above, declaring a possible conflict of interest by leaving the meeting or the part of the meeting during which the matter is under consideration;
- filing a written statement of the conflict of interest and its general nature at the meeting or as soon as possible after the meeting;
- when absent from a meeting, declare a possible conflict of interest at the next public Board Meeting as stated above;
- not using or attempting to use, directly or indirectly, their position to purchase goods or services for personal use from any Board supplier at a discount or on the same or similar terms to the Board, with the exception of employee purchase plans in which trustees can participate;
- not accepting a fee, gift, or personal or economic benefit, either directly or through another person, from any person who has done, is doing, or might be reasonably expected at some time to do business with the Board (with the exception of incidental gifts, customary hospitality or other benefits of nominal value);
- not selling to the Board, either directly or through the use of school or department funds, any goods or services without declaring their interest and removing themselves from the decision-making process and endeavouring to ensure that their direct relatives comply with this clause;
- understanding that they may accept samples and invitations such as, but not limited to, receptions or lunches, provided they do not impose any obligation to buy, receive or refer on behalf of the Board; and
- disclosing a possible conflict of interest if they are in doubt concerning the propriety of any action concerning the Board.

*The Director of Education is responsible for:*

- implementing and operationalizing the Conflict of Interest policy; and
- establishing and maintaining a registry of written statements of conflict of interest declared by trustees.

## **History**

Replaces: Policy #222.0, Conflict of Interest – Trustees and Policy # 512.0, Conflict of Interest – Employees  
Working Document: October 2013, February 2018

Revised: 2008, June 2014, February 2019



# Board Procedure #222.0, Conflict of Interest

This procedure outlines how a conflict of interest for trustees and staff members of the York Region District School Board is reported and addressed.

## **Responsibilities**

The Director of Education shall:

- allocate staff and resources to support the Conflict of Interest procedure.

*Superintendents are responsible for:*

- supporting principals, managers and supervisors in the implementation of the Conflict of Interest policy.

*Principals, Managers and Supervisors are responsible for:*

- deciding, in consultation with the superintendent, whether a direct personal or direct or indirect pecuniary interest exists and taking appropriate action(s).

*Corporate Secretariat and Trustee Services shall:*

- ensure that every conflict of interest and the general nature thereof declared by a trustee, be recorded in the minutes of;
  - the public Board or committee meeting, or
  - the private Board or committee minutes and the next regular public Board meeting;
- as designate of the Director of Education, establish and maintain a registry of the written statements of conflict of interest declared by trustees; and
- ensure that the registry of written statements of conflict of interest is available for public inspection.

*All staff members are responsible for:*

- not using their employment status with the Board, and/or Board equipment, facilities, time or human resources for personal or pecuniary gain for themselves, a direct relative or private entities or persons engaged in dealings with the Board;
- identifying and disclosing a possible conflict of interest to their principal, manager or supervisor concerning the propriety of any action concerning the Board;
- not participating in any decision being taken by the Board without first declaring their direct personal or direct or indirect pecuniary interest to their principal, manager or supervisor;
- ensuring that they do not place themselves in a position where working relationships are affected by personal or family relationships;
- understanding that no disclosure is required if the only interest is a minority interest in a limited company in which the staff member holds no official position; and
- not knowingly taking personal advantage of, or benefitting from, information that is obtained in the course of their official duties and responsibilities and that is not generally available to the public.

*All staff members shall:*

- notify their immediate supervisor in writing of a possible conflict of interest;
- not manage and/or supervise direct relatives or individuals who share the same household in situations where a reporting relationship exists and where the superior has influence, input or decision-making power over matters which including, but not limited to: a staff member's performance evaluation, salary premiums, special permissions, potential for promotion, conditions of work and and/or similar matters;
- not participate in a hiring process or attempt to influence a hiring process in respect of direct relatives or individuals who share the same household and/or persons with whom they have a significant social relationship;
- when participating in a hiring process, affirm by signed written statement that they do not have a conflict of interest;
- disqualify themselves as participants in personnel decisions when their objectivity would be compromised for any reason such as, but not limited to, staffing actions involving direct relatives or direct relatives of persons living in the same household or other personal relations;
- if providing private services as a staff member of Student Services that are the same as the services provided in the course of their employment duties with the Board, to students or other staff members or the Board, ensure that the requirements outlined for private tutoring are followed;
- ensure that, if engaging in private tutoring, the following requirements are followed;
  - private tutoring does not take place during the instructional day or on school property unless the appropriate permits are secured in accordance with the [Community Use of Schools policy and procedure](#),
  - staff must not tutor students from their school or work location(s) for remuneration,
  - staff members must be aware of the relevant Code of Ethics, federation and union guidelines and any other relevant Board policy and procedure regarding tutoring, including comments about and communication with the regular classroom staff, where applicable,
  - private tutoring services may not be advertised using school or Board connections, school or Board publications, or through the Board's computer network and in accordance with the [Distribution of Materials: External Organizations policy and procedure](#),
  - staff members undertaking private tutoring are not indemnified through the Board and should contact their applicable union or federation to discuss support should issues arise;
- understand that home instruction is different from private tutoring and may be provided in accordance with the [Home Instruction](#) procedure;
- not sell to the Board, either directly or through the use of school or department funds, any goods or services without declaring their interest and removing themselves from the decision-making process and endeavouring to ensure that direct relatives comply with this clause;
- not promote the sale of personal products or services to students, staff members or others;
- not use or attempt to use, directly or indirectly, their position with the Board to purchase goods or services for their personal use from any supplier to the Board at a discount or on the same or similar terms to the Board (with the exception of offers made to Board staff through purchase plans or arrangements that are available to all Board employees);
- not accept a fee, gift, personal or economic benefit, either directly or through another person, from any person who has done, is doing, or might be reasonably expected at some time to do business with the Board (with the exception of incidental gifts, customary hospitality or other benefits of nominal value);
- not directly or indirectly use, or allow the use of Board property of any kind for anything other than officially approved activities; and
- not step out of their official roles with the Board to assist private entities or persons in their dealing with the Board where this would result in preferential treatment to any person.

**History**

Approved 2008

Working Document 2013, February 2018

Revised June 2014, February 2019