

CONFLICT OF INTEREST AND NEPOTISM

All trustees and employees shall be cognizant of standards relevant to “nepotism” within the workplace, and engage in leadership practices and communication so that conflicts inherent with this concept may be alleviated. Such standards are outlined further within this document.

Definitions

Conflict of Interest	a situation in which an employee/trustee whose private interests, or the private interests of a relative or an associate, might benefit from the employee/trustee's actions or influence as an employee/trustee of the division.
Pecuniary Interest	refers to monetary conflict of interest. A pecuniary interest is said to exist where an individual employee/trustee is involved in decisions that would have a positive or negative financial impact on the personal circumstances of the employee/trustee and his or her spouse/partner.
Associate	an individual or organization with whom an employee/trustee has any personal or pecuniary interest.
Nepotism	favouritism shown to relatives in bestowing employment or conferring privileges.
Relative	refers to an employee/trustee's child, sibling, parent, parent-in-law, or spouse.
Family status	the status of being related to another person by blood, marriage, or adoption.
Registered Charity	refers to a charitable organization, public foundation, or private foundation registered with the Canada Revenue Agency. A registered charity is issued a Registration Number and is exempt from paying income tax and can issue tax receipts for donations.
Society	is an independent legal entity, incorporated for any non-profit purpose, that exists separate from its members. Societies must direct any profits back into fulfilling the objectives of the organization.

Procedures

Upon election, each Trustee shall file with the Secretary-Treasurer the following information:

1. Disclosure of information

- 1.1 Each trustee of a Board shall file with the Board's Secretary-Treasurer a statement showing:
 - 1.1.1 the names and employment of the trustee and the trustee's spouse or adult interdependent partner and children,
 - 1.1.2 the names of the corporations, partnerships, firms, governments or persons in which the trustee has a pecuniary interest, and
 - 1.1.3 the names of the corporations, partnerships, firms, governments or persons in which the trustee's spouse or adult interdependent partner or children under 18 years of age have a pecuniary interest.

The Board's Secretary-Treasurer shall:

- 1.2 Compile a list of all the names reported on the statements filed with the Secretary-Treasurer, and
- 1.3 Provide a copy of the list to:
 - 1.3.1 all the trustees of the board, and
 - 1.3.2 the officials and employees of the board that the board directs shall receive a copy.
2. Respecting outside employment, employees/trustees may take supplementary employment, including self-employment unless such employment:
 - 2.1 Causes an actual conflict of interest;
 - 2.2 Interferes with regular employment duties;
 - 2.3 Involves the use of division premises, equipment, or supplies;
 - 2.4 Causes the employee to hold pecuniary interests that are in conflict of interest.
3. Where it appears that a conflict of interest might arise in taking supplementary employment, or through pecuniary interest, it is the duty of the employee/trustee to notify the Superintendent, or designate, in writing as to the nature of employment.
4. Employees/Trustees shall not accept monetary or other payment in addition to normal salary or expenses for duties which they normally perform in the course of their employment.
5. Employees/Trustees who own, or have pecuniary interests in businesses that may act as a supplier to the division shall be strictly governed by the Alberta Government Regulations on tendering and are required to notify the division of their financial interest in a company at the time of submitting a tendered bid.
6. Products and materials developed as part of an employee/trustee's regular duties shall be the property of the division.
7. It is the intention of the Board to regulate employment in such a manner as to avoid potential favouritism or conflict of interest that may occur between employees who are related to one another.

8. A relative of an employee or trustee may work in the division provided that there is not an opportunity to exercise favouritism or there is no conflict of interest present for the employees or trustee involved.
9. An employee is prohibited from being in the direct supervision of a relative where the supervisor can make decisions unilaterally in areas such as:
 - 9.1 Assignment of duties.
 - 9.2 Approval of requisitions.
 - 9.3 Determination of salary or wage levels.
 - 9.4 Completion of evaluation of performance reports.
 - 9.5 Decisions about promotion, retention, transfer, or termination.
 - 9.6 Approval of expense claims.
10. Relatives cannot participate in the recruitment or selection process.
11. In the event a selection committee makes a choice of a candidate for a position that may be viewed as being in violation of this policy, the committee shall advise the Board and provide all of the pertinent information and the Board will make a determination.
12. Employees and trustees must bring to the Board's attention any potential conflicts of interests prior to entering into any agreements.
13. When through hiring, marriage, transfer or promotion, a conflict of interest situation is considered by the Board to exist, an alternative place of work in the school system (as soon as one is available), shall be determined, normally, for the non-supervising employee and a transfer will take place.
14. It is recommended that under most circumstances, family members (spousal relationships, parent/child, etc.) not work in the same facility wherein one family member is in a supervisory position. An individual assessment of the situation may be deemed necessary prior to an employment decision being made and approved by the Superintendent.
15. Short-term replacement or temporary employment from an approved substitute employee list that involves a family member will not be considered to create a conflict of interest according to this policy.
16. Trustees are not permitted to sit on the executive of a School Council. Furthermore, employees are not permitted to sit on the board of any registered charity or society registered under the Society Act, whose primary focus is in regards to fundraising for a divisional school or the school division.

Legal References: Sections 33, 52, 85, 86, 88, 89, 205, 222, *Education Act*