

Administrative Procedure 405

STAFF CONFLICT OF INTEREST

Background

Effective management of the Division is facilitated by employees avoiding situations which could be construed as placing them in a conflict of interest. This obligation demands that there not exist, or seem to exist, conflict between the private interests of employees and their responsibility to the Division and the community. This applies to all salaried employees and all persons employed on a contractual basis.

Procedures

1. A conflict of interest arises when:
 - 1.1 An employee, because of knowledge, responsibilities or authority associated with the employee's position with the Division is perceived as, directly or indirectly, providing benefit to:
 - 1.1.1 The employee personally, or
 - 1.1.2 A member of the employee's family, or
 - 1.1.3 A business or an organization in which that employee, or a member of the employee's family, has an interest or holds a position.
 - 1.2 An employee's relationship, employment or position with or interest in, another person, business or organization affects the exercise of the individual's duties or responsibilities as an employee of the Division.
2. A conflict of interest exists in the above situations irrespective of whether the Division, under the particular circumstances has been disadvantaged or receives a benefit.
3. An employee will not accept a gift, favour or service from any individual, organization or corporation with which the Division does business or potentially may do business, other than normal exchanges of gifts between friends, the normal exchange of hospitality between persons doing business together, tokens exchanged as part of protocol, or the normal presentation of gifts to persons participating in public functions.
4. The Superintendent or designate is responsible for:
 - 4.1 Ensuring that all employees are familiar with and adhere to this procedure;
 - 4.2 Reviewing conflict of interest situations and interpreting and applying Board policy and Division administrative procedures as appropriate; and
 - 4.3 Keeping the Board informed on conflict of interest situations and their resolution.

5. Employees are responsible for exercising reasonable care to ensure that they avoid conflict of interest situations.
 - 5.1 Employees who exercise a regulatory, supervisory or other discretionary control over others will, wherever possible, disqualify themselves from dealing with relatives with respect to those functions.
 - 5.2 Employees may not take supplementary employment including self-employment, which may cause an actual or apparent conflict of interest.
6. Where an employee does find him/herself in an actual, perceived or potential conflict of interest, the employee must:
 - 6.1 Disclose in writing to his/her supervisor and the Superintendent the nature and extent of the conflict of interest; and
 - 6.2 Refrain from acting in connection with the conflict of interest unless, and to the extent that, the Superintendent may in writing otherwise permit.
7. Situations which may be constructed as a conflict of interest include but are not limited to the following:
 - 7.1 Accepting lavish meals, entertainment, trips, flights, hotel accommodation or car rentals from any individual or organization with which the Division does business or plans to do business;
 - 7.2 Giving a gift or favour of other than nominal value to any individual or organization with which the Division does business or plans to do business;
 - 7.3 Using Division time, materials, facilities or information for one's personal gain;
 - 7.4 Pursuing personal gain by using the time, materials or facilities of those doing business, or seeking to do business, with the Division;
 - 7.5 Acquiring ownership or any significant financial interest in an organization with which the Division does business, or in anticipation of its doing business with the Division; and
 - 7.6 Using one's influence or authority as an employee of the Division to solicit from organizations, with which the Division does business, contributions to charitable, recreational, cultural or social associations.

Reference: Section 33,52,53,55,68,197,198,199,203,204,205,222,225,229 Education Act
Alberta Human Rights Act
Canadian Human Rights Act
Freedom of Information and Protection of Privacy Act
Personal Information Protection Act