



Authority Policy 2011

TEACHER HIRING: CONFLICT OF INTEREST

Legal References: Education Act:2009 Ontario Human Rights Code

Related References: Ministry of Education

Effective Date: December 31, 2020

Revisions:

Reviewed:

1. Preamble:

1.1. This Policy is intended to facilitate Employees' ability to maintain the highest business and ethical standards, and to facilitate the protection of the integrity of Employees in the course of their teacher hiring responsibilities to the KidsAbility School Authority.

This Policy defines and addresses potential, apparent and actual conflicts of interest. It provides guidance to Employees so that conflicts of interest are recognized and either avoided or resolved expeditiously through appropriate disclosure and management.

The fundamental principle underlying this Policy is that Employees must not permit relationships with others or external business activities to conflict, or appear to conflict, with the interests of the School Authority.

1.2. Definition

Conflict of Interest means 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 Authority, or with the Employee's participation in any recommendation or decision pertaining to teacher hiring within the School Authority.

Employee means full-time for part-time Employees of the KidsAbility School Authority involved in teacher hiring.

External Activity means any activity of an Employee outside the scope of her/his employment with the KidsAbility School Authority undertaken as part of a commercial or volunteer enterprise.

Relationship means any relationship of the Employee to persons of his or her immediate family whether related by blood, adoption, marriage, or common-law relationship, and any relationship of an intimate and/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.

Supervisor means the person to whom an Employee reports.

1.3. Specific Conflicts

Without restricting the generality of this Policy, the following circumstances may give rise to Conflicts of Interest:

- i) 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;
- ii) 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 Authority:
 - a) a person, group, or entity that has dealings with the School Authority;
 - b) a person, group, or entity to whom the Employee provides services in the course of his or her duties to the School Authority;
 - c) a person, group, or entity that seeks to do business with the School Authority.

An Employee who is offered a gift in the circumstances described in ii) above shall, in writing, notify his or her Supervisor.

1.4. Procedures for Disclosure of Conflicts of Interest

- i) All Employees have an obligation to disclose to their Supervisor or the Principal any Conflict of Interest. The Employee must disclose in writing as soon as she/he could reasonably be aware that a Conflict of Interest exists. The existence of a Conflict of Interest does not necessarily preclude involvement in the issue which has given rise to the Conflict (“the Matter”). The Employee must declare, in writing, the nature and extent of

the Conflict of Interest 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.

- ii) 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 in writing.

1.5. Procedures for Management of Conflicts of Interest

- i) If the Supervisor or Principal 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.
- ii) The Supervisor or Principal will investigate to determine if a Conflict of Interest exists. Where appropriate, the Supervisor or Principal may consult with the Employee and/or others.
- iii) If the Supervisor or Principal determines there is a Conflict of Interest, the Supervisor or Principal should resolve the matter as per paragraph 7 below and shall document, in writing, any remedies that have been applied.

1.6. Options for Resolving Conflicts of Interest

If a Supervisor or Principal determines that a Conflict of Interest exists, the Supervisor or Principal will decide a course of action from the following options:

- i) If the Matter pertains to paragraph 4 i) above, 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 described in paragraph 4 i) above,
- ii) If an Employee fails to disclose a Conflict as per paragraph 5 above, a range of remedies can be applied, up to and including the termination of employment.

1.7 Contraventions of this Policy

Adherence to this Policy, in letter and in spirit, is crucial to the relationships of trust that exist between the School Authority, its Employees, and the public. Contraventions of this Policy, 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.