

Directive: Conflicts of Interest

Category: Administrative Management

PREAMBLE

The CSFY's directive on conflicts of interest is in accordance with the territorial policy regulating school board conflicts of interest established by the Department of Education pursuant to the regulations set out by the Minister under the Education Act (Part 7, Division 5, Conflict of Interest).

This directive outlines general principles relating to core values and conduct standards. In accordance with these principles, trustees, the Executive Director, and staff of the CSFY and its schools must conduct themselves in an irreproachably ethical manner in order to foster client trust with regard to services offered.

DIRECTIVE STATEMENT

The goal of this CSFY directive is to ensure that the Executive Director and staff avoid conflicts of interest and that they always act with the public's best interest in mind when exercising their official duties and responsibilities, so as to guarantee the quality of services provided.

SCOPE: This directive applies to all CSFY employees, including employees on a probationary contract, permanent employees, casual employees, term employees, employees on secondment (whether seconded from the CSFY, to the CSFY, or outside the CSFY) and CSFY employees on leave with or without pay.

TERMS AND CONDITIONS

1. The below principles are intended to be interpreted in a reasonable manner and with a broad scope. In the interests of the public, CSFY employees:
 - 1.1 Shall exercise their duties and responsibilities in an impartial, responsible, diligent, efficient and honest manner;

- 1.2 Shall organize their private affairs so as to avoid any conflict of interest, with there being no doubt in this matter that does not prove to be in the public's best interest;
- 1.3 Shall not seek out or accept any fees, gifts or benefits valued at up to fifty dollars (\$50) from a person or organization conducting business with the CSFY or the Department of Education, where the Department of Education is representing the CSFY or acting on their behalf;
- 1.4 Shall only take advantage of the programs, services and initiatives led by or associated with the CSFY to the same extent as any member of the general public may also benefit from them;
- 1.5 Shall only benefit from information obtained in the course of their employment to the same extent as any member of the general public may also benefit from this information;
- 1.6 Shall neither benefit from CSFY property – including property leased by the CSFY and CSFY services – nor use it, nor authorize its use for anything outside of normal activities that fall within the scope of carrying out their duties and responsibilities; and, outside of carrying out their official duties and responsibilities, shall benefit, use or authorize the use of CSFY property only to the same extent as any member of the general public may also benefit from or use said property;
- 1.7 Shall assist all members of the general public in a fair and reasonable manner when carrying out their duties and responsibilities relating to the general public;
- 1.8 Shall maintain an appropriate level of confidentiality;
- 1.9 Shall comply with all laws, all regulations, and all policies and directives;
- 1.10 Shall not use their position, status or affiliation with the CSFY, nor CSFY information or property, for personal gain;
- 1.11 Shall conduct themselves in a manner that is above reproach from any member of the general public, however demanding this might be, and where behaving in a lawful manner alone is not sufficient to fulfill this obligation;
- 1.12 Shall not place themselves in a position where they are or may appear to be under obligation to any person or any organization that might benefit from preferential treatment on their part and shall not accord any preferential treatment in respect of any matter to any individual or to any organization that could benefit themselves, their family or their friends.

2. Ethical dimensions

The ethical dimensions surrounding a particular set of circumstances are not always evident; where uncertainty exists, they should be measured against the criteria of lawfulness, justice and wisdom. An employee's behaviour must be lawful, just and appropriate under the circumstances, as well as defensible should it ever be challenged.

3. Outside activities

An employee's participation in outside work or other activities is not prohibited, except in the case when this work or activity:

- 3.1 Gives rise to or may give rise to a conflict of interest;
- 3.2 Is carried out in a manner which gives the impression that it is an official act or that it represents a CSFY position or directive;
- 3.3 Unjustifiably interferes with the employee's normal responsibilities, whether by phone calls, internet use or otherwise;
- 3.4 Requires the use of CSFY premises, equipment or supplies, unless said use has been authorized.

Employees are responsible for making a confidential report to their immediate supervisor regarding the nature of their outside work or activities. They are required to complete a self-assessment of their situation using the checklist provided in this administrative directive. The employee's supervisor shall ensure that the employee has provided all the necessary documentation and may request that the employee shorten, modify or cease their outside work or activity if it is determined that a conflict of interest exists.

4. Information for employees

The Executive Director will provide each new employee with a copy of this directive at the beginning of the year.

5. Interpretation

Employees who require clarification or advice regarding the interpretation or application of this CSFY directive should consult with their immediate supervisor.

6. Responsibilities

- 6.1 Executive Director
The CSFY Executive Director is responsible for administering this directive and ensuring its proper implementation. The Executive Director shall:
 - 6.1.1 Ensure that employees are informed of the requirements of this directive;

- 6.1.2 Promote and ensure compliance with the directive;
- 6.1.3 Determine if a conflict of interest exists and decide which action(s) to take, as required; and
- 6.1.4 Establish procedures for employees to follow in order to report a conflict of interest to their immediate supervisor.

6.2 School Board

The Board of Trustees is responsible for administering this directive as it applies to the Executive Director.

7. Management

7.1 Confidentiality

Any information concerning an employee's private interests which is provided to his/her immediate supervisor shall be treated in the strictest confidence, subject to disclosure of information legislation requirements.

7.2 Disagreement

If a CSFY employee and his/her immediate superior disagree about the arrangements necessary to ensure compliance with this CSFY directive, the disagreement shall be referred to the Executive Director. If the Executive Director and the CSFY, for which he/she is responsible, disagree on the arrangements necessary to ensure compliance with the school board's directive, then the disagreement shall be referred to the Department of Education (if applicable).

7.3 Non-compliance with this directive

Employees who do not comply with this CSFY directive may be subject to disciplinary action, up to and including termination.

8. Limitations

It is important to note that this directive is non-exhaustive and that some conduct may give rise to a conflict of interest even if it is not expressly prohibited by this directive or other texts. Should such a situation arise, it should be dealt with in accordance with the general principles of this CSFY directive. This directive should also be read in the context of applicable legislation and contractual provisions designed to avoid conflicts of interest.

9. Checklist for outside activities

(*The CSFY includes the Department of Education in the case where the Department of Education represents the CSFY or is acting on its behalf.)

An employee may be uncertain whether a particular outside activity represents a conflict of interest under the territorial Conflict of Interest Policy 3.39 (General Administration Manual, Volume 3) or the applicable CSFY directive.

Even if the directive itself provides guidelines within its clauses regarding relevant principles and outside activities, you may nonetheless still have some questions.

If so, the following questionnaire will help you determine if your situation poses a conflict of interest. If you answer “yes” to any of the following questions, it is imperative that you discuss the situation with your immediate supervisor.

- 9.1 Have you had any paid outside work or offered any paid outside services in the same field for which you are employed by the CSFY?
Yes? No?
- 9.2 Do you currently have a business or hold employment outside of the CSFY which relates to a service, product or facility offered by the CSFY, or do you have any ties to such a business or employment?
Yes? No?
- 9.3 During the past 12 months, have you acted on the CSFY's behalf in any sort of transaction between the CSFY and a business related to your responses to questions 1 and 2 above?
Yes? No?
- 9.4 Do you or any of your close relatives occupy a position as a director, manager, sole proprietor, partner, employee, consultant or advisor in a business which:
- Supplies real estate, permits, or goods or services to the CSFY?
Yes? No?
 - Is a partner or potential business partner with the CSFY?
Yes? No?
 - Is funded by the CSFY or receives financial support from the CSFY?
Yes? No?

9.5 Do you or any of your close relatives have a direct or indirect financial interest in a business which:

- Supplies real estate, permits, or goods or services to the CSFY?
Yes? No?
- Is a partner or potential business partner with the CSFY?
Yes? No?
- Is funded by the CSFY or receives financial support from your school board?
Yes? No?

9.6 Is there any possible activity that you might take part in or that you are currently taking part in as a CSFY employee which might benefit you or a close relative through a business that you have ties with outside of your employment with the CSFY?
Yes? No?

9.7 During the past 12 months, have you received any unusual payments, loans, grants, benefits, gifts or hospitality from a CSFY supplier, potential supplier, or competitor which is likely to influence or appear to influence your decision regarding the purchase of goods or services for the CSFY?
Yes? No?