

STATEMENT

In keeping with the Peel District School Board's objective of building a positive climate for learning and working together, Peel Board employees and volunteers are expected to ensure that there is no misuse of power or knowledge acquired through their position at the Peel Board, including no gain, profit, self-dealing, improper use of student or staff information, advancement or benefit accruing to them or members of their immediate family (see [definitions](#)), as defined in Conflict of Interest Policy # 8.

This operating procedure outlines the process involved in preventing and resolving conflicts of interest in the Peel Board involving employees and volunteers. The operating procedure is also aligned with and supports the expectations of the Board's equity policy to provide an environment free of negative factors. The policy and process that apply to Trustees are set out in the Code of Conduct.

GUIDING PRINCIPLES

1. Anyone working for, or with, the Peel Board, including employees and volunteers, is responsible for identifying and reporting any conflicts of interest, about themselves only, to their immediate supervisor for assessment.
2. An individual's responsibility to disclose conflicts of interest includes actual or perceived conflicts, and/or possible conflicts that have the potential to become actual or perceived, and is not limited to the specific types of conflict of interest (e.g. placement of relatives, limitation on outside employment, etc.) set out in Policy # 8 and/or the Operating Procedures.
3. If a conflict arises between the personal or financial interests of an individual and the official duties and responsibilities of that person, the conflict must be resolved in favour of the Board's interests.
4. All reasonable efforts should be made to resolve a conflict of interest as soon as reasonably possible, in the interests of the Peel Board and in consultation with the affected individual(s), their union representatives/staff association representatives and a member of management, where applicable.
5. Any individual engaging in activities that contravene Policy #8 *may* be subject to disciplinary action or other sanctions, up to and including termination of employment and/or revocation or non-renewal of permit or privileges.

DISCLOSING CONFLICTS OF INTEREST

1. Peel Board employees and volunteers are responsible for reporting any actual, possible or perceived conflict of interest to his/her immediate supervisor as soon as he/she becomes aware of the conflict.
 - The disclosure must be made in writing, by submitting a signed Conflict of Interest Declaration form. Forms may also be obtained by calling the Board's Human Rights Research Assistant in Human Resources Support Services.
2. If an individual has a valid reason for not wishing to disclose their conflict of interest to his/her immediate supervisor, he/she may contact the Office of the Superintendent of Human Resources Support Services and disclose the contact to the Superintendent or his/her designate.
3. If an individual discloses a conflict of interest resulting from a close personal relationship, he/she may not identify the other party unless the other party has provided his/her consent to the disclosing individual.
4. All disclosures of actual, possible or perceived conflicts of interest should be reviewed on a case by case basis, by the appropriate supervisor (in consultation with the appropriate superintendent or controller).

THIRD PARTY DISCLOSURES

1. Policy #8 is not intended to condone rumour mongering. Any report by a third party, anonymous or not, about other individuals allegedly being in a close personal relationship may be further investigated at the discretion of the immediate supervisor guided by the Conflict of Interest Policy and in consultation with the Superintendent of Human Resources Support Services.

CONFIDENTIALITY

1. Any personal information disclosed under Policy # 8 will be treated confidentially, consistent with the principles expressed in the *Municipal Freedom of Information and Protection of Privacy Act*.
2. The collection of personal information should be limited only to what is necessary to evaluate the risk of an actual, possible or perceived conflict of interest and should be used only for the purposes of addressing and/or resolving that conflict.
3. If a supervisor finds it necessary to discuss an actual, possible or perceived conflict of interest with other members of management and/or members of the affected individual's staff association or bargaining agent, the supervisor must inform the disclosing individual that such discussions will occur.
 - Personal information disclosed in such discussions should be limited to only what is necessary to evaluate the risk of a conflict of interest and work toward a resolution.

4. Personal information collected under Policy # 8 will not be disclosed to any third parties without express written consent from the affected individual(s), or as required by law, except for above-noted consultations/discussions.
5. All records and forms related to actual, possible or perceived conflicts of interest, including the immediate supervisor's and/or designate's notes, will be maintained by the office of the Superintendent of Human Resources Support Services. Access to the files will be strictly limited to those directly involved in resolving the conflict.
6. All written records and forms will be retained on file for two years following the retirement / resignation / transfer/ termination of the individual who provided the written declaration of a conflict of interest subject to any anticipated or actual litigation and/or other regulatory proceedings which may require the Peel Board to retain the records longer.
 - At the end of the retention period, the files on record will be disposed of by shredding all related documentation.
7. If an individual discloses a conflict of interest resulting from a [close personal relationship](#) [hyperlink to definitions], and cannot, or may not wish to, identify the other party because the other party has not consented to the disclosure, the disclosing individual should be informed that the options available to resolve the conflict may be limited.

FAILURE TO DISCLOSE CONFLICTS OF INTEREST

1. Anyone who engages in activities that contravene Policy #8 and/or this Operating Procedure, including failing to disclose an actual, possible or perceived conflict of interest, in breach of the principles expressed in Policy #8, may be subject to disciplinary action or other sanctions. Consequences *may* include, but are not limited to, the following and may be applied singly or in combination:
 - receiving a letter of expectation
 - receiving a letter of discipline, with a copy to the Human Resources file
 - suspended, restricted or denied access to Peel Board property
 - suspension without pay
 - termination of employment
 - where applicable, a report to College of Teachers or other self-regulating professional college
 - revocation or non-renewal of permit or privileges

FREEDOM OF REPRISAL OR THREAT OF REPRISAL

1. [Any reprisal or threat of reprisal](#) is unacceptable to the Peel Board. Committing a reprisal (or threatening to do so) may result in disciplinary action, up to and including termination of employment or recommendation for removal from office.

2. Any individual who experiences a reprisal or threat of reprisal because he/she has declared a conflict of interest must immediately report the reprisal or threat of reprisal, in writing, to his/her Superintendent/Controller/Associate Director.
3. The Superintendent/Controller/Associate Director will investigate the alleged reprisal or threat of reprisal and advise the affected individual of the outcome of the investigation and any further action that has been, or will be, taken as a result. Consultation with the Superintendent of Human Resources and/or Director of Human Resources may be necessary to address the situation.

HIRING, RECRUITMENT AND ALLOCATION OF STAFFING PRACTICES

1. Any individual who is in a position to hire, or make decisions affecting [staffing allocations](#), and has a [close personal relationship](#) with an applicant or an individual affected by the staffing allocation decisions, must declare a conflict of interest by submitting a signed Conflict of Interest Declaration form to his/her immediate supervisor and must remove him/herself from the hiring or staffing deliberations.
2. The supervisor must meet with the disclosing individual, as soon as reasonably possible, to begin the process of arranging for a suitable replacement [**HYPERLINK to Confidentiality**].
3. When a member of a joint staffing committee declares a conflict of interest, he/she must leave the discussion with respect to the particular employee with whom he/she has a conflict. Another person may be appointed to replace that member, in order to ensure a quorum for the discussion and vote relating to the employee in question.

PLACEMENT OF RELATIVES AND DIRECT SUPERVISION

1. Individuals in direct supervisory and/or leadership roles should not directly supervise and/or manage anyone with whom they have a [close personal relationship](#).
2. Any individual who is in a [direct supervisory role and/or leadership role](#), and/or has [direct supervisory responsibility](#) for a person with whom he/she has a close personal relationship must disclose the conflict of interest by submitting a signed Conflict of Interest Declaration form to his/her immediate supervisor immediately upon becoming aware of any potential conflict of interest.
3. The supervisor must meet with the affected individual(s) to resolve the conflict of interest as soon as reasonably possible, in consultation with their federation, and/or bargaining agent, and/or staff association and a member of management. Where appropriate, the conflict of interest may be resolved by altering the reporting relationship or transferring one of the affected individuals to a comparable position at the first appropriate opportunity within the staffing process timelines.

PLACEMENT OF STAFF RELATED TO STUDENTS

1. Employees should not be responsible for any student assessment, evaluations and /or discipline in respect of any student to whom they are related. Policy #8 does not restrict Peel Board volunteers from being responsible for students to whom they are related.
2. If an employee occupies a position in which he/she is responsible for student assessment, evaluations and /or discipline in respect of [any student to whom he/she is related](#), that individual must declare the conflict of interest by submitting a signed Conflict of Interest Declaration form to his/her immediate supervisor immediately upon becoming aware of any potential conflict of interest.
3. The supervisor must meet with the affected individual(s) to resolve the conflict of interest as soon as reasonably possible, in consultation with their federation, and/or bargaining agent, and/or staff association and a member of management. In some cases, it may be necessary to place employees related to students on short-term assignments, or to determine an alternate process for conducting student assessments or evaluations, in order to ensure coverage of classrooms.

LIMITATIONS ON OUTSIDE EMPLOYMENT (PRIVATE PRACTICE: e.g. TUTORING, ETC.)

(i) Applies to Peel Board employees (other than supervisory officers), including, but not limited to teachers, speech language pathologists, psychologists, social workers, etc.

1. Employees who are [members of professional colleges](#) may not provide paid services for another employer, or for private practice purposes, during their normal school/business hours.
2. Employees must disclose any private practice commitment or other outside employment that is inconsistent with the principles, or exceptions (e.g. tutoring) of Policy #8 and this Operating Procedure, by submitting a signed Conflict of Interest Declaration form to their immediate supervisor.
3. The supervisor must meet with the disclosing individual and give him/her notice to terminate any private practice commitment or outside employment that is inconsistent with Policy #8 and this Operating Procedure. Every effort must be made to resolve the conflict of interest as soon as reasonably possible.
4. The Office of the Superintendent of Human Resources and/or his/her designate will determine whether there is any obligation to report such practices /matters to a professional college.

Exceptions:

5. Teachers may provide private paid tutoring outside of normal business / school day hours to students and their siblings, as long as neither the student nor their siblings are registered in schools in which the tutor teacher teaches, in accordance with the professional and ethical standards of the Ontario College of Teachers.

6. This policy does not restrict Peel Board employees from obtaining full-time employment during summer months, vacation time, or at any other time when school is not in session, as long as that employment does not otherwise conflict with their duties and responsibilities as employees of the Peel Board.
7. Individuals involved in outside employment permitted under Policy # 8 may not advertise their services or solicit clients at any time:
 - during normal school / business hours;
 - on Peel Board property; or
 - by using Peel Board property or staff resources.

(ii) Applies to Supervisory Officers including Director of Education, Associate Directors, Superintendents, Controllers and Directors.

1. Except as otherwise provided by the *Education Act* or the regulations, no Director of Education, Associate Director, Superintendent, Controller, Director or other supervisory officer shall hold any office, have any other employment or follow any other professions or calling, while employed by the Peel Board in any of the above-noted positions.

TEACHING ASSISTANTS AND DECLARATION OF CONFIDENTIALITY

1. Teaching Assistants (TAs), may provide tutoring or respite care services to families of students enrolled in the Peel Board, provided they complete a signed Declaration of Confidentiality prior to commencing these duties.
 - The Declaration of Confidentiality will be issued and maintained annually by the Office of the Superintendent of Special Education and/or the Superintendent of Alternative Programs.

LIMITATIONS ON SECONDMENTS AND SPECIAL ASSIGNMENTS

1. Individuals who hold an executive position within a bargaining unit or professional staff association will be expected to "step down," on their own initiative, to assume a secondment or special assignment to the Peel Board.
2. Administrators or supervisors cannot offer a secondment or special assignment to an individual who has not "stepped down" from his/her executive position and may not ask an individual to step down from his/her executive position.
3. It is expected that the duties assigned to teachers (eg. Acting Vice-Principals, Teacher-in-Charge etc.) will not include any duties that could, or would, result in a perceived or actual conflict of interest, such as conducting teacher performance appraisals.

PROMOTION AND/OR SALE OF GOODS AND SERVICES, INCLUDING TEACHING MATERIALS

1. All employees are prohibited from [directly or indirectly](#) promoting, offering for sale or selling any book, teaching or learning materials or other goods, services or equipment **[HYPERLINK to 'Definitions']** to the Peel Board or to any other school board, provincial school or teachers' college, or to any student.
2. It is an offence under section 217(3) of the *Education Act*, and a breach of Policy # 8, for anyone to employ, give or pay compensation to any employee of a school board for the purpose of promoting or selling, [directly or indirectly](#), any book, teaching or learning materials, or any other goods, services or equipment to the Peel Board, or to any other school board, provincial school or teachers' college, or to any student.

Exceptions:

3. The above noted prohibition regarding the promotion, sale or supply of books, teaching or learning materials, or other goods, services or equipment does not apply to Peel Board volunteers.
4. The prohibition does not apply any employee with respect to a book or other teaching or learning materials, of which he/she is an author, and where the only compensation that he/she receives from the sale or supply of that book or teaching or learning material is a fee or royalty (section 217(3) of the *Education Act*).

THE PROCUREMENT PROCESS

1. Individuals must not seek, disclose, knowingly take personal advantage of, or benefit from any information that is, or could be, obtained in the course of their duties and responsibilities to the Peel Board and is not generally available to the public. This includes, but is not limited to, information related to the procurement process, tenders and/or requests for proposals (RFPs). All inquiries into, or disclosures of, such information is evidence of a conflict of interest and a breach of Policy #8.
2. Individuals involved in purchasing or other supply chain–related activities must not accept gifts or favours, provide preferential treatment to any bidders or suppliers nor publicly endorse suppliers or products. Any such activities will be evidence of a conflict of interest and a breach of Policy #8.

GIFTS AND FINANCIAL PAYMENTS

Although the exchange of common courtesies (such as the occasional gift or moderate hospitality of a nominal value less than \$200.00) is recognized as an acceptable business practice, individuals must not [directly or indirectly accept any gift, financial payment or combination thereof](#) from any person, firm or corporation having dealings with the Peel Board, when acceptance would be a conflict of interest with the performance of their duties. Individuals may accept the hospitality or a gift (of a nominal value of less than \$200) if: (a) the individual is not involved in purchasing or other supply chain related activities; (b) the individual believes that the donor is not trying to obligate them or improperly influence a decision; (c) it is a

normal business practice for the purpose of courtesy and good business relations; and, (d) acceptance is consistent with generally accepted ethical standards. Individuals should not use their position with the Peel Board for improper gain; nor under any circumstances accept gifts of cash, bonds, securities personal loans, airline tickets, use of vacation property or costly entertainment. Examples of acceptable gifts include: holiday gifts and inexpensive advertising or promotional items.

1. Unless otherwise approved by the Director of Education, the maximum honoraria, gift, financial payment, or combination thereof that an individual may personally accept for any outside engagement that arose by virtue of the position he/she holds at the Peel Board (including, but not limited to, professional speaking engagements, workshop facilitation, etc.) is \$200.00, in Canadian dollars or equivalent value, in one year from the same source.
2. An individual receiving an honoraria, gift, financial payment, or combination thereof that exceeds \$200.00, in Canadian dollars or in equivalent value must notify his/her immediate supervisor, who will contact the Controller of Finance Support Services and determine the appropriate disposition of the funds, gift or 'in kind' honorarium.
3. Any request to waive the restriction relating to payment for outside engagements should be made, in writing, to the Superintendent of Human Resources. A decision to waive the restriction will be made by the Director of Education, at his or her discretion.
4. Permitted exceptions to the \$200.00 per year from the same source rule, include, but are not limited to, the following activities: Instructors of Additional Qualification (AQ) Courses such as Basic Qualification, Program Supervision and Assessment (Prin S&A), Program Development and Implementation (Prin D&I), Supervisory Officer Qualification Program and / or members of Board or Ministry-approved writing teams and instructors of college courses.

BOARD PROPERTY FOR PERSONAL USE

1. Individuals must not use Peel Board facilities, equipment, supplies or staff resources for personal purposes, except in those circumstances covered by an existing policy of the Peel Board. If facilities, equipment, supplies or staff resources are used for personal purposes, individuals must pay for this use when an account is rendered by the Peel Board. (Finance Support Services 10 and Finance Support Services 11)

DEFINITIONS

Under this policy the following terms mean:

Close personal relationships includes but is not limited to, close friendships, familial relationships, intimate personal relationships, or business associates.

Conflict of interest:

- **actual** – includes any circumstances whereby a Peel Board employee or volunteer has a personal or financial interest that may affect the performance of his or her duties and

responsibilities to the Peel Board and/or may negatively affect the reputation of the Peel Board in the community.

- **perceived – includes** any circumstances whereby a reasonably well-informed person could reasonably believe that a Peel Board employee or volunteer has a conflict of interest, even where there is no conflict of interest.
- **possible** – includes any circumstances whereby a Peel Board employee or volunteer may *potentially* have an actual or perceived conflict of interest. .

Direct supervisory role includes but is not limited to, Director of Education, Associate Directors, Superintendents, Principals, Vice-Principals, Directors, Controllers, Facilities Managers, peer business managers and other positions with managerial/supervisory responsibilities.

Direct supervisory responsibility includes but is not limited to the capacity to confer, deny or grant a benefit, including promotions, provide ongoing direction on discharge of duties, allocate resources, determine or assign duties or timetables, influence working conditions, manage performance issues, conduct or approve performance reviews, determine discipline or recommend termination of employment.

Familial relationships include a relationship between a Peel Board employee or volunteer and his/her:

- husband, wife, common-law partner, fiancée, whether current or former;
- mother, father, sister, brother, whether through marriage, or common-law partnership;
- in-laws, whether through marriage, or common-law partnership;
- daughter, son, grandson or granddaughter, niece, nephew, aunt, uncle or cousins, including , step or foster relations;
- legal guardians, including but not limited to, foster parents, etc.

Gift or financial payment includes but is not limited to offers of hospitality, entertainment, favours or loans, direct or indirect payments, except under circumstances outlined in the Procurement Regulations, Finance and Administration 8, section F, and other than incidental gifts, customary hospitality or other benefits of nominal value normally exchanged between friends or business acquaintances.

In a position to hire or determine staffing includes but is not limited to members of an interview/hiring panel or committee members, such as joint staffing committee members, participating in decisions regarding the allocation of staffing which may result in transfers, promotions, etc.

Individuals who are members of professional colleges includes but is not limited to Peel Board employees (other than supervisory officers), such as teachers, speech language pathologists, psychologists, social workers etc.

Leadership roles includes but is not limited to, Department Heads, Program Co-ordinators, Leadhands, Office Managers and other positions that may require, among other things, allocation of resources, assigning timetables or distribution of tasks.

Related to student(s) means the student's parent or grandparent (adoptive, biological, step or foster), guardian, aunt, uncle, cousin, sister, brother, son or daughter (adoptive, biological, step or foster).

Reprisal includes a negative action or omission against an individual, carried out in relation to that individual having:

- a) complied with this policy;
- b) participated or co-operated in any inquiry under this policy, or
- c) associated with a person who has complied with this policy or participated in its procedures.

Supervisory officers, administrative officers or elected officials includes but not limited to Director of Education, Associate Directors, Superintendents, Principals, Directors, Controllers and peer business managers and other positions with managerial/supervisory responsibilities with the capacity to confer, deny or grant a benefit, including managerial/supervisory promotions, determine corporate policy and allocate budget, determine discipline and, where appropriate, terminate employment.

Teaching or learning materials or other goods, services or equipment means any teaching or learning materials, equipment and/or other goods or services, as described in section 217 (1) and (3) of the *Education Act* including, but not limited to, all computer software and hardware.

REFERENCES

Education Act, Section 217 (1)

Education Act, Section 217 (3)

Municipal Freedom of Information and Protection of Privacy Act

Board Policy #8

Finance Support Services 10

Finance Support Services 11

Conflict of Interest Declaration Form