

Section 4 Human Resources Management

4.07 Conflict of Interest and Commitment

Policy Statement

This policy applies to any behaviour that is connected to and/or may impact the work and services of the Atlantic Provinces Special Education Authority (APSEA), the work of APSEA employees or the Mission and/or reputation of APSEA. It applies to behaviour taking place in any physical or electronic sites.

Definitions

Conflict – For the purposes of this Policy, conflict may refer to any or all conflict of interest, conflict of commitment and/or institutional conflict.

Conflict of Commitment – Exists where an APSEA employee undertakes or engages in any activity or commitment, whether paid or unpaid, apart from the employee’s normal responsibilities to APSEA which may:

1. interfere with the employee’s ability to effectively carry out their APSEA-related duties and responsibilities;
2. compete or conflict with the mission, vision and guiding principles of APSEA; or
3. adversely affect the reputation of APSEA.

Not all outside activities or business activities of APSEA employees amount to conflicts of commitment. Examples of conflict of commitment are set out in the Conflict of Interest and Commitment Procedure.

Conflict of Interest – Exists when an APSEA employee has or may be perceived as having the opportunity to advance or protect a personal interest of the employee or a person with whom the employee has a family, personal, business, or similar relationship. A conflict of interest may arise in circumstances where personal interests may directly or indirectly affect the employee’s professional judgement in the exercise of APSEA duties and responsibilities. Examples of conflict of interest are set out in the Conflict of Interest and Commitment Procedure.

Institutional Conflict – A situation in which APSEA or an institution has an existing relationship with a party with which APSEA or the institution proposes to enter an activity, contract, or commitment, such that an impartial observer might reasonably question whether the existing relationship might prejudice decisions of APSEA or institution with respect to the activity.

Personal Interest – Exists where one has an interest, including, but not limited to, a financial, family, or professional interest, in a decision, activity or business affair of APSEA.

Policy Objectives

Integrity and public accountability may be undermined or perceived to be undermined in situations involving conflicts of interest, conflicts of commitment, or institutional conflict.

To that end, the objectives of this policy are:

- to define and promote standards of conduct that support these values.
- to assist APSEA employees to recognize situations involving conflicts of interest, conflicts of commitment, or institutional conflicts so they can, in good faith, take the initiative to disclose, manage and resolve such situations.
- to provide processes and mechanisms for employees to respond to, manage and resolve any such conflicts.

Application

This policy applies to APSEA employees, volunteers, Committee members, and any individual in a contractual relationship with APSEA.

Policy Directives

The occurrence of conflicts of interest, conflicts of commitment and institutional conflict cannot always be avoided. Therefore, it is important to respond appropriately when they arise. To that end, all APSEA employees are expected to:

- conduct themselves with the highest ethical standards and in a manner which will bear the closest scrutiny;
- act honestly and in good faith in respect of any reports or disclosures made under this Policy;
- identify situations involving conflicts of interest, conflicts of commitment, or institutional conflict;
- avoid doing anything to exploit such conflicts to serve a personal interest;
- take steps to prevent the exploitation of such conflicts by others;
- take steps to avoid the perception of conflict;
- disclose conflict situations to an appropriate person in accordance with the Conflict of Interest and Commitment Procedure as soon as possible after becoming aware of them;
- seek guidance before embarking on activities involving conflict situations;
- cooperate in the management of such conflicts as required by APSEA.

APSEA will respond to conflicts in as fair, open, and consistent manner as is possible and will seek to avoid unfair disadvantage wherever possible.

Each conflict will be assessed individually to ensure that decisions, actions, and behaviours are not inappropriately influenced by personal interests or institutional interests.

Any individual accountable to this policy may be presumed to have become aware of a conflict at such a time as a person would have reasonably been aware of it.

Failure to comply with this policy will be assessed by APSEA and may result in disciplinary action up to and including termination of employment.

Good faith disclosures under this policy will be handled in accordance with APSEA's Whistleblower Policy. An individual acting in good faith will not be disadvantaged or lose their employment status because of reporting their concerns, even when those concerns cannot be substantiated. However, the willful misuse or abuse of this policy may result in disciplinary action up to and including termination of employment.

Accountability

All APSEA Employees

APSEA employees are responsible to understand and follow all APSEA policies and documents related to conflict of interest and commitment. Employees have an obligation to promptly disclose, as soon as they could reasonably be aware, that a conflict may exist using the Declaration of Potential Conflict of Interest and Commitment form. They must also update the declaration when circumstances change, and they become aware of a potential conflict.

Superintendent/Directors/Supervisors/Managers

Superintendent/Directors/Supervisors/Managers are responsible for fostering a culture of integrity and effective stewardship of the public trust. They are responsible for providing guidance to employees regarding activities which might be questionable or perceived as questionable, as well as addressing and aiding in the APSEA review and response to declarations. They also have responsibility for the oversight and application of APSEA's Conflict of Interest and Commitment Policy including resolution and the coordination of APSEA response in respect of any declarations of conflict which are made to them.

Coordinator of Human Resources

The Coordinator of Human Resources has responsibility for the oversight and application of APSEA's Conflict of Interest and Commitment Policy including resolution and the coordination of APSEA response in respect of conflicts involving APSEA employees.

Monitoring

- The Superintendent of APSEA or their designate will review this policy annually.

References

- Conflict of Interest and Commitment Procedure
- Declaration of Potential Conflict of Interest and Commitment Form
- 4.08 Whistleblowing: Employee Disclosure of Wrongdoing

This is an operational policy designed to supplement other APSEA operational policies and is not intended to replace or preclude them. If a situation occurs where there is a conflict between application of this operational policy and any other APSEA operational policy, the policy most specific to the situation will apply.

Approval Dates

Approved: June 2021

Revised: