

ATLANTIC PROVINCES SPECIAL EDUCATION AUTHORITY

Procedure Title: **Conflict of Interest and Commitment**

Issue Date: **June 2021**

1. APSEA employees, volunteers, Committee members, and any individual in a contractual relationship with APSEA shall disclose a conflict as soon as possible by completing a Declaration of Conflict Form. They may also make a verbal disclosure to the appropriate person set out below in sections 2 and 3 and seek the assistance of that person in completing the declaration.
2. In the case of a conflict of interest, the completed declaration shall be delivered to:
 - a. the Coordinator of Human Resources in the case of conflicts involving an employee other than the one completing the Form;
 - b. in all other cases, the person's Supervisor/Manager, or any member of Senior Leadership, including the Superintendent.
3. In the case of a conflict of commitment, the completed declaration shall be delivered to:
 - a. the Coordinator of Human Resources; or,
 - b. the person's Supervisor/Manager, or any member of Senior Leadership, including the Superintendent.
4. An individual is required to update any declaration if they become aware of any relevant changes in circumstances. This may be accomplished verbally or in a written communication with the individual to whom the original declaration was delivered.
5. The person receiving a declaration will coordinate APSEA's review and response to the declared conflict. Such review and response will be carried out in a timely, fair, and open manner.
6. The person receiving a declaration may, subject to the obligation of confidentiality, discuss the situation with other individuals to arrive at an appropriate response.
7. APSEA may require an activity or decision to be placed on hold pending assessment.

8. APSEA may make any of the following determinations:
 - a. no conflict exists;
 - b. a conflict exists but can be managed, through personal undertakings of the employee in conflict or by other means and that such management is consistent with the values of integrity and public accountability and will withstand the test of reasonable independent scrutiny; or
 - c. a conflict is of such a nature that it cannot be managed in a manner consistent with the values of integrity and public accountability, in which case, APSEA may take necessary steps to eliminate the conflict.

9. The resolution of the conflict shall be placed in the employee's official employment file, except where resolution results in a finding of "no conflict" under section 8(a), in which case, the declarant may opt to have all relevant records removed from their file.

Procedure Supports

- 4.07 Conflict of Interest and Commitment Policy
- Declaration of Potential Conflict of Interest and Commitment Form

EXAMPLES OF POLICY BREACHES

It is not possible to list each and every behavior which could violate this policy. Employees are expected to exercise sound judgement, consider the principles that shape the policy, and when in doubt seek guidance, to avoid breaches of the policy.

The following, while not a comprehensive list, provides examples and explanations of conflict of interest and commitment situations. It is important to remember that, even if you do not actually take advantage of these situations in favour of yourself or someone close to you, there is still a potential that others will suspect that you may do so. Even in the case of a gift given to you, there may be a perception that the gift was given in an effort to gain favour, which also places you in conflict. This perception of conflict can be reduced or eliminated by full disclosure and, where necessary, other measures as suggested or required by APSEA. Not only do the procedures under this policy serve APSEA's Mission, Vision, and Guiding Principles, they also serve to protect your reputation.

EXAMPLES OF EMPLOYEE CONFLICT OF INTEREST

(1) Potential to Favour Outside Interests

Conflicts like this exist if you are involved in any APSEA discussion, vote, or decision from which you or a person close to you (family, friend, business colleague) could derive a financial benefit. Examples of situations where conflicts of interest could arise include:

- (a) Being involved in decision-making about contracts, programs, services, leases, equipment rental, material supply, etc., even if your involvement is only at the discussion stage;
- (b) Actually entering into a contract with a third party on behalf of APSEA;
- (c) Managing (supervising or controlling) and/or directing (guiding or conducting) an APSEA program to serve the needs of yourself or a person close to you, rather than or in preference to the needs of APSEA;
- (d) Encouraging or requiring employees to purchase services, supplies, materials, etc. resulting in a potential financial advantage to yourself or someone close to you.
- (e) Accepting significant gifts or special favours for personal gain from private organizations or individuals with whom APSEA does business, or from colleagues, without complete disclosure to and approval from your Supervisor/Manager.

(2) *Inappropriate Use of APSEA Personnel, Resources or Assets*

Conflicts of interest may also arise if you are in a position to use APSEA resources for non-APSEA activities. Examples include:

- (a) Engaging APSEA employees on APSEA time to carry out work for an enterprise in which either the individual or a person with a relationship to that individual has a financial or other interest;
- (b) Unauthorized and non-reimbursed use of APSEA resources or facilities to benefit a private concern in which either the individual or a person with a relationship to that individual has a financial or other interest. This includes assets which are deemed surplus and must be disposed of according to APSEA policy.

(3) *Inappropriate Use of Information*

Another area of conflict of interest involves taking advantage of information acquired in the performance of APSEA activities and duties. Examples include:

- (a) Using for personal gain or other unauthorized purposes, privileged information acquired as a result of the individual's APSEA activities; such information might include knowledge of forthcoming developments requiring contractor selection, etc.
- (b) Unreasonably delaying publication of information or effecting premature release of information to secure personal gain or to secure gain for a person with whom an individual has a relationship.

(4) *Employment and Evaluative Relationships*

Exploiting APSEA relationships and one's own role in the performance of APSEA duties to benefit yourself or a person close to you, also places you in a conflict situation. Examples include:

- (a) Participating in the selection, supervision, advising, evaluation, or discipline of an employee with whom the individual has a personal relationship including consensual romantic and/or sexual relationship.
- (b) Participating in the personnel decisions (selection, supervision, evaluation, approval/denial of increments/performance pay, etc.) involving a person with whom the individual has either a familial or a personal relationship (including consensual romantic and/or sexual relationships).

- (c) Having direct or indirect authority over the employment of a person with whom the individual has either a familial or a personal relationship (including consensual romantic and/or sexual relationships). Such authority or influence may arise from participation in decisions, recommendations or judgments related to; the approval/denial of increments/performance pay, the assignment and approval of overtime, the negotiation of salary level, the conduct of performance appraisals, the assignment or direction of work assignments, the approval of leaves of absence or the disciplinary process.

EXAMPLES OF EMPLOYEE CONFLICT OF COMMITMENT

External employment, or self-employment, is permitted if there is no conflict of commitment. However, employees in full time positions are compensated for full-time employment. A conflict of commitment would exist when an APSEA employee has an outside interest which materially encroaches on time or attention which should be devoted to the affairs of APSEA or so affects his/her energies as to prevent the application of full abilities to the performance of duties.

Employee conflicts of commitment do not include standard, external, professional, and academic activities such as memberships in professional organizations, editing of professional journals or documents, attendance or preparation for conferences or other professional activities.

Some examples of conflict of commitment situations include:

- a) An APSEA employee arranges to work for someone else and such an arrangement conflicts with the time commitment to APSEA.
- b) During the course of employment, an APSEA employee is engaged in a business that competes with that of APSEA.
- c) An APSEA employee solicits APSEA clients to advance his or her personal interests.