

## **404.2AP – Employee Conflict of Interest**

### **Purpose**

The employees of Nanaimo Ladysmith Public Schools occupy positions of great public trust and confidence. They are expected to discharge their duties and responsibilities professionally, efficiently and impartially. The onus is on each employee to anticipate and to avoid conflicts of interest. It is imperative that employees always be seen as acting in the best interests of the publics they serve, and do not compromise themselves in the discharge of their duties.

### **Procedure**

A conflict of interest arises when an individual is or may be advancing one's own interests in a manner that is detrimental to the interests, integrity, or fundamental mission of the school district. As a public institution the school district must not allow conflicts or perceived conflicts to exist. This policy is not intended to disadvantage employees or potential employees but is meant to not advantage them.

An employee is expected to request a determination from the Superintendent or the Director of Human Resources before engaging in any activity that might reasonably raise questions about a possible conflict of interest.

#### **1. Definitions**

- 1.1 For the purpose of this policy, a relative is defined as a spouse (including common law), parent, grandparent, brother, sister, son or daughter or in-law.
- 1.2 A direct relationship is defined as a relationship between relatives.

#### **2. Employment**

- 2.1 When an employee is in a position to influence personnel decisions (such as recruitment, offer of employment, evaluation of performance, promotion or termination of employment) with respect to another with whom they have a direct relationship that person will be viewed as being in a conflict of interest.
- 2.2 To avoid these conflicts of interest, employees should ensure that they do not find themselves in the following positions:

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- 2.2.1 Hiring or effectively influencing the hiring of persons with whom they have a direct relationship;
- 2.2.2 Being a member of a selection committee that will place or hire persons with whom they have a direct relationship; or
- 2.2.3 Performing all tasks related to a direct reporting relationship where such a relationship exists between an employee and a relative e.g. performance evaluations, staffing plans etc.

### **3. Acceptance of a Remuneration or Gift**

An employee will be construed as being in a conflict of interest where:

- 3.1 An employee receives remuneration from another organization for services that have been performed in whole or in part on school district time. The Board does not consider the receipt of a modest gift, value not to exceed \$200 and the recovery of out of pocket expenses as remuneration;
- 3.2 An employee accepts a gift with a value in excess of \$200 from a student, parent or guardian. Letters of gratitude are considered the most appropriate form of recognition; and
- 3.3 An employee receives a remuneration or favour relating to the sale or use of materials or work produced on school district time. The Board will retain all rights to such works produced on school district time.

### **4. Acquisition of Goods or Services**

- 4.1 An employee will not accept offers of gifts, favours and/or gratuities associated with the procurement of goods or services.
- 4.2 An employee shall not authorize the acquisition of goods or services on behalf of the school district from an organization in which they or a relative have a pecuniary interest.
- 4.3 An employee who has decision making authority or who is in a position to influence a purchase or contract decision must disclose in writing to the Superintendent or Director of Human Resources any personal interest they or a relative has in an organization and withdraw from the decision making process. The Secretary-Treasurer shall authorize payments for goods or services provided by such organizations.

### **5. Ownership Rights**

#### **5.1 Patents**

- 5.1.1 The Board will hold ownership in patents and other non-patentable intellectual products except those covered by the copyright policy below, developed by its employees as a result of their employment. Products are developed as a result of

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employment when equipment, supplies, facilities or employee time of the school district are used.

Where ownership is deemed to vest with the school district under this policy, the employee will not distribute the work to the public or take any action that would waive or compromise the Board's ownership rights.

5.1.2 The school district does not claim rights to inventions for which no school district equipment, supplies or facilities were used and which was developed entirely on the employee's own time.

### 5.2 Copyright Policy

School district employees retain all copyrights for materials they create except in the following circumstances:

- Work is commissioned by the school district;
- Creation of work is on school district time;
- Work is patentable and falls under the patent policy above; or
- An agreement exists in writing to the contrary between the school district and the creator of the work.
- As in item 5.1.1, where ownership is deemed to vest with the school district under this policy, the employee will not distribute the materials to the public or take any action that would waive or compromise the Board's ownership rights.

### 5.3 Shared Ownership/Copyright

Where clear ownership cannot be determined under item 5.1 or 5.2, the employee and the school district shall share ownership and/or royalties. Ownership rights (shareable percentages) will be determined by a committee comprised of the Director of Human Resources, the Secretary-Treasurer and two executive members of the employee's union.

Where the employee does not belong to a union, the employee can choose two representatives from within their group.

It is the employee's responsibility to notify the Director of Human Resources prior to the development or creation of products or materials that fit this category. If notification is not made, the work will be deemed to be school district property.

### 5.4 Royalties

An employee who has patented or copyrighted any product or publication is forbidden to receive any royalties arising from the use of this product or publication within the school district except with the written approval of the Superintendent.

### 6. Personal Gain

An employee will not use their employment with the school district for personal gain. Some examples include:

- An employee will not use school district premises, materials or equipment for external business purposes;
- An employee will not use their position to purchase services outside of the workplace from another employee at a discounted rate;
- An employee will not charge for services to a student enrolled in the employee's regular class or case load; or
- An employee will not use their position to influence a decision that would result in a pecuniary benefit to them, a relative or a close friend.
- This section is not intended to prevent the ability of staff to sell their wares, in a minor way, to other staff members (crafts, fundraiser goods, raffle tickets, etc.) on school district premises. The purchase of such wares cannot be made with school district money.

### 7. Notification

An employee who is currently engaged in the planning, initiating or proceeding with an activity which falls under Section 5 - *Ownership Rights* of this Procedure must notify the Director of Human Resources of the activity within 90 days after the adoption of this Procedure.

#### Legal References:

<b>Monitoring Method:</b>	<i>Board of Education / Superintendent</i>
<b>Monitoring Frequency:</b>	
<b>Previous Policy Number:</b>	<i>AP410</i>
<b>Adopted:</b>	<i>1987.05.27</i>
<b>Amended:</b>	<i>2001.03.28</i>