

CONFLICT OF INTEREST PROTOCOL

This protocol is intended to preserve and promote the reputation of both the Saskatchewan Rivers Public School Division Board of Education and the individual trustees. The purpose of this protocol is to give trustees clear direction in order to help identify and track potential conflict of interest situations and to reduce the risk of any potential conflict or perceived conflict. Conflict of interest is not the issue rather it is undeclared or undisclosed conflicts that are a problem and should be avoided; disclosure is the key.

A conflict of interest arises when a trustee has a private, financial, or material interest (for example, a transaction, contract, business opportunity, or employment) that the Board also has a material interest in.

Trustees should not have any private, financial, or material interest in contracts involving the Board.

A conflict of loyalty may arise when the interests of a board member has the potential to be at odds with the best interests of the Board (i.e., a trustee being an officer or employee of a major supplier, employee of a union representing the school division employees, a trustee having a close affinity with a party that could benefit or suffer loss from a transaction being considered by the Board.)

- A conflict of loyalty does not exist only when interests are at odds, but when there is the *potential* for interests to be at odds.
- A conflict of loyalty exists in the context of the *best* interests of the organization. This means that it is not sufficient for the organization to benefit, but how the decision is made is also of importance. It is important that the decision is made by the right individual or group, in an objective and informed manner, and according to all policies of the organization.
- Trustees are expected to follow the spirit and the intent of benefiting the organization, not just avoiding costs or losses to the organization.

Protocol Principles

In carrying out their duties, trustees of the Board of Education shall:

1. Private Interests

Disclose fully any private interests that could be affected by the Board's actions or that could put the ethical practice of the Board at risk.

2. Public Interest

Arrange their private affairs in a manner that will prevent real, potential or apparent conflicts of interest and loyalty from arising; but if such a conflict does arise between the private interests of an individual and the official duties and responsibilities of that individual, the conflict shall be disclosed and resolved in favor of the interest of the Board.

3. Preferential Treatment

Not to step out of their official roles to assist private entities or persons in their dealings with the Board where this would result in preferential treatment to any person or organization.

Trustees of the Board must not be compromised by an obligation to anyone who may benefit from special consideration with respect to Board matters.

4. Gifts and Benefits

Not solicit or accept a transfer of economic benefit, other than incidental gifts, customary hospitality, or other benefits of nominal value (defined as less than \$100.00 per year) from persons, groups or organizations having, or likely to have, dealings with the Board.

5. Insider Information

Not knowingly take advantage of, or benefit from, material information that is not generally available to the public that is obtained in the course of their official duties and responsibilities.

Trustee of the Board must not use their position or influence to secure employment, funding or special treatment for family members or business associates.

Process

Conflicted trustees shall refrain from participating in the matter further, including not voting on the consideration or approval of any contract, grant, award, contribution, construction project or situation involving a conflict, whether potential or apparent, which includes their participation, directly or indirectly. There will be two ways for trustees to declare a conflict of interest:

- Self-declaration by the trustee, this is ideal.
- Declaration made by another trustee toward the trustee that has the potential conflict. If this arises, details of why there is a perceived conflict will be given by the trustee bringing forward the conflict. The trustee that is accused of the perceived conflict will either accept that they are in conflict and refrain from participating or state reasons as to why they believe they are not in conflict. If there is not an agreement on the conflict, the Board will vote on the perceived conflict to determine if there is a conflict or not. If the Board deems the conflict of interest to be real, the individual will then be determined to be in conflict and will then recuse themselves. The Board Chair will break the tie, if there is a tie vote.

The Board of Education, in particular through its Board Chair, is responsible for implementing and enforcing this protocol, with the support of the Director and Chief Financial Officer when necessary.