

CONFLICT OF INTEREST AND NEPOTISM

As a registered charitable organization, Holy Spirit Catholic School Division is required to maintain a robust conflict of interest and nepotism policy to ensure the highest standards of public trust, operational integrity, and fiscal accountability. In alignment with this commitment, it is expected that all trustees and employees shall represent the division in a manner that supports the responsibility of the Board, as per the *Education Act*, to provide a welcoming, caring, respectful and safe environment. To preserve an organizational culture rooted in fairness, all trustees and employees shall be cognizant of standards relevant to “nepotism” within the workplace, and engage in leadership practices and communication so that conflicts inherent with this concept may be alleviated. Such standards are outlined further within this document.

Definitions

Conflict of Interest	a situation in which an employee/trustee whose private interests, or the private interests of a relative or an associate, might benefit from the employee/trustee’s actions or influence as an employee/trustee of the division.
Pecuniary Interest	refers to monetary conflict of interest. A pecuniary interest is said to exist where an individual employee/trustee is involved in decisions that would have a positive or negative financial impact on the personal circumstances of the employee/trustee and his or her spouse/partner.
Associate	an individual or organization with whom an employee/trustee has any personal or pecuniary interest.
Nepotism	favouritism shown to relatives in bestowing employment or conferring privileges.
Relative	refers to an employee/trustee’s child, sibling, parent, parent- in- law, or spouse.
Family status	the status of being related to another person by blood, marriage, or adoption.
Registered Charity	refers to a charitable organization, public foundation, or private foundation registered with the Canada Revenue Agency. A registered charity is issued a Registration Number and is exempt from paying income tax and can issue tax receipts for donations.
Society	is an independent legal entity, incorporated for any non-profit purpose, that exists separate from its members. Societies must direct any profits back into fulfilling the objectives of the organization.

Procedures

Upon election, each Trustee shall complete a Disclosure of Information (Schedule A) that shall be filed with the Board's Secretary.

1. Disclosure of information

- 1.1 Each trustee of a Board shall file with the Board's Secretary a statement showing:
 - 1.1.1 the names and employment of the trustee and the trustee's spouse or adult interdependent partner and children,
 - 1.1.2 the names of the corporations, partnerships, firms, governments or persons in which the trustee has a pecuniary interest, and
 - 1.1.3 the names of the corporations, partnerships, firms, governments or persons in which the trustee's spouse or adult interdependent partner or children under 18 years of age have a pecuniary interest.

The Board's Secretary shall:

- 1.2 Compile a list of all the names reported on the statements filed with the Secretary-Treasurer, and
 - 1.3 Provide a copy of the list to:
 - 1.3.1 all the trustees of the board, and
 - 1.3.2 the officials and employees of the board that the board directs shall receive a copy.
 - 1.4 Trustees shall avoid conflict of interest with respect to their trusteeship responsibility.
 - 1.4.1 There shall be no conduct of private business or personal services between any member of the Board and the organization except as procedurally controlled to assure openness, competitive opportunity, and equal access to "insider" information.
 - 1.4.2 When the Board is to decide upon an issue about which a member has an avoidable conflict of interest, that member shall absent themselves without comment from not only the vote, but also from the deliberation.
 - 1.4.3 Trustees shall not use their positions to obtain employment in the organization for themselves, family members, or close associates. Should a trustee desire employment in the organization, they shall first resign.
 - 1.4.4 Trustees shall disclose their involvement with other organizations, with vendors, or any other associations which might produce a conflict.
 - 1.4.5 Trustees are not permitted to sit on the executive of a school council or permitted to sit on the Board of any registered charity or society registered under the Society Act, whose primary focus is in regards to fundraising for a divisional school or the school division.
2. Employees may engage in supplementary employment, including self-employment.
Supplementary employment may not:
- 2.1 Cause a conflict of interest where the employee's private interests or those of their relatives or friends could improperly influence their actions or decisions in their professional or public role and impact their ability to perform official duties objectively;

- 2.2 Interfere with regular employment duties;
 - 2.3 Involve the use of division premises, equipment, or supplies; and
 - 2.4 Cause the employee to hold pecuniary interests that are in conflict of interest with the Holy Spirit Catholic School Division.
3. Where it appears that a conflict of interest might arise in taking supplementary employment, or through pecuniary interest, it is the duty of the employee to notify the Superintendent, or designate, in writing as to the nature of employment.
 4. Employees shall not accept monetary or other payment in addition to normal salary or expenses for duties which they normally perform in the course of their employment.
 5. Employees who own, or have pecuniary interests in businesses that may act as a supplier to the division shall be strictly governed by the Alberta Government Regulations on tendering and are required to notify the division of their financial interest in a company at the time of submitting a tendered bid.
 6. Products and materials developed as part of an employee's regular duties shall be the property of the division.
 7. A relative of an employee or trustee may work in the division provided that there is not an opportunity to exercise favouritism or there is no conflict of interest present for the employees or trustee involved.
 8. An employee is prohibited from being in the direct supervision of a relative where the supervisor can make decisions unilaterally in areas such as:
 - 8.1 Assignment of duties;
 - 8.2 Approval of requisitions;
 - 8.3 Determination of salary or wage levels;
 - 8.4 Completion of evaluation of performance reports;
 - 8.5 Decisions about promotion, retention, transfer, or termination; and
 - 8.6 Approval of expense claims.
 9. Relatives cannot participate in the recruitment or selection process.
 10. Employees must bring to the Superintendent's attention any potential conflicts of interests prior to entering into any employment agreements.
 11. When a conflict of interest situation, as determined by the Superintendent or designate, is created through hiring, marriage, transfer or promotion, an alternative place of work in the school system shall be determined, and a transfer will take place as soon as one is available.
 12. It is recommended that under most circumstances, family members (spousal relationships, parent/child, etc.) not work in the same facility wherein one family member is in a supervisory position. An individual assessment of the situation may be deemed necessary prior to an employment decision being made and approved by the Superintendent.
 13. Short-term replacement or temporary employment from an approved substitute employee list that involves a family member will not be considered to create a conflict of interest according to this policy.

14. Employees are not permitted to sit on the board of any registered charity or society registered under the Society Act, whose primary focus is in regards to fundraising for a divisional school or the school division.
15. The Board reserves the right to approve exceptions to the Conflict of Interest Policy when it has been determined that doing so is in the best interest of the school division.

References: **Sections 33, 52, 85, 86, 88, 89, 205, 222, *Education Act***