

Title: **TEACHER HIRING – CONFLICT OF INTEREST**

Adopted: December 2020

Reviewed:

Revised: October 2023

Authority: Municipal Conflict of Interest Act

 Ontario Human Rights Code

**POLICY**

It is the policy of the Kidsability School Authority that potential, apparent and actual conflicts of interest must be recognized and either avoided or resolved expeditiously through appropriate disclosure and management.

**GUIDING PRINCIPLES**

1. The fundamental principle underlying this policy is that Employees must not permit relationships with others or external business activities to conflict, or appear to conflict, with the interests of the KidsAbility School Authority.

1. Employees must maintain the highest business and ethical standards in their hiring practices.
2. It is important for the KidsAbility School Authority facilitate the protection of the integrity of employees in the course of their teacher hiring responsibilities to the KidsAbility School Authority.

**DEFINITIONS**

1. Conflict of Interest means a potential, apparent, or actual conflict where an employee’s financial or other personal interest, whether direct or indirect, conflicts or appears to conflict with the employee’s responsibility to the KidsAbility School Authority, or with the Employee’s participation in any recommendation or decision pertaining to teacher hiring within the Authority.
2. Employee refers to any full-time for part-time employees of the KidsAbility School Authority involved in teacher hiring.
3. External Activity includes any activity of an employee outside the scope of the employee’s employment with the KidsAbility School Authority undertaken as part of a commercial or volunteer enterprise.

1. Relationship refers to any relationship of the employee to persons of the employee’s immediate family whether related by blood, adoption, marriage, or common-law relationship, and any relationship of an intimate and/or financial nature during the preceding five years, any student-supervisor relationship, or any other past or present relationship that may give rise to a reasonable apprehension of bias.
2. Without restricting the generality of this policy, the following circumstances may give rise to conflicts of interest:
3. participating in, or influencing the outcome of the appointment, hiring, promotion, supervision, or evaluation of a person with whom the employee has, or has had, a relationship;
4. acceptance by an employee of a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the employee when performing hiring duties with the KidsAbility School Authority:
5. a person, group, or entity that has dealings with the Authority;
6. a person, group, or entity to whom the employee provides services in the course

of the employee’s duties to the Authority;

1. a person, group, or entity that seeks to do business with the Authority.

An employee who is offered a gift in the circumstances described in ii) above shall, as soon as possible and in writing, notify the Principal.

**PROCEDURES**

**Procedures for Disclosure of Conflicts of Interest**

1. All employees have an obligation to disclose to the Principal any conflict of interest. The employee must disclose in writing as soon as the employee could reasonably be aware that a conflict of interest exists.
2. The existence of a conflict of interest does not necessarily preclude involvement in the issue which has given rise to the conflict (“the matter”).
3. The Employee must declare, in writing, the nature and extent of the conflict of interest no later than any meeting or process in which the employee participates and at which the matter is to be considered. The employee must refrain from taking part in any discussion or decision-making in relation to the matter, and withdraw from any meeting or process when the matter is being discussed until a decision has been reached regarding the manner in which the conflict of interest will be addressed.
4. A conflict of interest involving an employee may also be reported to the Principal by any other person. A report to the Principal about the existence of a potential, apparent or actual conflict of interest shall be made in writing.

**Procedures for Management of Conflicts of Interest**

1. If the Principal to whom the disclosure is made also has a conflict of interest, the disclosure should be made in writing to the person at the next highest level of authority.
2. The Principal will investigate to determine if a conflict of interest exists. Where appropriate, the Principal may consult with the employee and/or others.
3. If the Principal determines there is a conflict of interest, the Principal should resolve the matter as per section 17 below and shall document, in writing, any remedies that have been applied.

**Options for Resolving Conflicts of Interest**

1. If the Principal determines that a conflict of interest exists, the Principal will decide a course of action from the following options:
2. If the matter pertains to a particular matter, and where the employee may be knowledgeable and have information central to the discussion, the employee with a conflict or appearance of conflict may be permitted to be involved in the matter without participating in the final decision regarding the matter above,
3. If an Employee fails to disclose a conflict of interest, a range of remedies can be applied, up to and including the termination of employment.

**Contraventions of this Policy**

1. Adherence to this policy, in letter and in spirit, is crucial to the relationships of trust that exist between the Authority, its employees, and the public. Contraventions of this policy, whether arising from dishonesty or inattention, undermine these relationships and may lead to disciplinary action. For employees, disciplinary sanctions for breach of this policy may take a range of forms appropriate to the nature of the contravention and could include dismissal from employment.

**RESOURCES**

[**Municipal Conflict of Interest Act**](https://www.ontario.ca/laws/statute/90m50)

[**Ontario Human Rights Code**](https://www.ohrc.on.ca/en/ontario-human-rights-code)