

AVON MAITLAND DISTRICT SCHOOL BOARD

ADMINISTRATIVE PROCEDURE

NO. 440

SUBJECT: EMPLOYEE CONFLICTS OF INTEREST

Legal References: *Education Act Section 217 No Promotion or Sale of Books by Employees; Ontario College of Teachers Act; Regulation 437/97 Professional Misconduct Section 1.26 Conflict of Interest*

Related References:

1. Avoiding Conflicts of Interest

This administrative procedure has been developed:

- 1.1 To provide direction to staff members who are members of the Ontario College of Teachers on steps to be taken to avoid contravening Regulation 437/97.
- 1.2 To provide direction to any district staff member who might enter into agreements for service that might create a conflict of interest.
- 1.3 To ensure that Avon Maitland District School Board does not unknowingly create conditions under which staff members who are members of the Ontario College of Teachers would contravene Regulation 437/97.
- 1.4 To fulfill the director's obligation to warn members of the Ontario College of Teachers and other staff members of the need to seek legal advice on potential conflicts of interest.

2. Administrative Procedures

- 2.1 Staff members who are members of the Ontario College of Teachers need to become familiar with Regulation 437/97 on "Professional Misconduct".
- 2.2 Staff members who are members of the Ontario College of Teachers should be aware that section 1, paragraph 26 of Regulation 437/97 states that "practicing the profession while the member is in a conflict of interest" is defined as professional misconduct for the purposes of subsection 30(2) of the Ontario College of Teachers Act, 1996.
- 2.3 Subsection 30(2) of The Ontario Teachers' College Act, 1996 states that "A member may be found guilty of professional misconduct by the Disciplinary Committee, after a hearing, if the member has been guilty, in the opinion of the Committee, of professional misconduct as defined in the regulations". The Regulation referred to in the Act is Regulation 437/97.

- 2.4 As potential examples, conflicts of interest may be caused through the offering for sale of products or services produced by employees of the board to the board, to employees of the board, to students in board schools, and/or to parents of students in board schools.
- 2.5 All staff members who believe they may have a conflict of interest should always seek their own independent legal advice on the matter.
- 2.6 The board will seek its own legal advice in cases where potential conflicts of interest between the board and its employees become apparent.