

GAP

GENERAL ADMINISTRATIVE PROCEDURES

SECTION:	300 – All Staff
GAP NUMBER:	331.00
SUBJECT:	Code of Ethics – All Staff
REFERENCE:	Policy 1.01, Code of Ethics – All Staff GF 327, Code of Ethics – Reporting of Gifts
EFFECTIVE:	April 7, 2014
REVISED/AMENDED	-
REPLACES:	NEW
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“Follow Justice and justice alone, so that you may live and possess the land the LORD your God is giving you.”

Deuteronomy 16:20

I. DEFINITIONS

For the purposes of this General Administrative Procedure (GAP), the following Definitions apply:

"bias" means and includes an inclination; bent; preconceived opinion; and a predisposition to decide a cause or an issue in a certain way, which does not leave the mind perfectly open to objectively treat all matters fairly and equally.

"Broader Public Sector Procurement Directive" means the Broader Public Sector Procurement Directive issued by the Management Board of Cabinet, effective July 1, 2011, as same may be amended from time to time.

"conflict of interest" means and includes a situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity. An apparent conflict of interest is one in which a reasonable person would think that the employee's judgment is likely to be compromised. A conflict of interest may exist when the decisions and/or actions of employees during the course of exercising their employment duties are affected by or perceived by another party or person to be affected by the employee's personal, financial or business interests or the personal, financial or business interests of a relative, friend, and/or business associate of the employee.

"economic, financial or commercial advantage" means the receipt, or expectation of receipt, of anything of value by either an employee of the Board, or a relative, friend and/or business associate of the employee resulting from a personal relationship.

"favour" means any act on the part of a Supplier for the benefit of an employee or a relative, friend and/or business associate of the employee which may be perceived as having been made with a view to influencing process.

"**mitigating action**" means and includes an action to avoid, minimize, reduce, eliminate or rectify a conflict of interest.

"**preferential treatment**" includes unfairly affording opportunities to one or more Suppliers at the expense of all other Suppliers that are eligible to participate in the opportunities.

"**Supplier**" includes any person or organization that, based on an assessment of that person's or organization's financial, technical and commercial capacity, is capable of fulfilling the requirements of the Board's procurement of goods and/or services.

"**Supply Chain Activities**" means and includes all activities directly or indirectly related to the Board's planning, sourcing, procurement, moving, and payment processes. Budgeting, planning and requesting, as well as the approval and processing of the acquisition for goods and services are all Supply Chain Activities. Many employee groups within the board are involved with one or more of these processes.

II. CONFLICT OF INTEREST

Expectations

1. Every employee is responsible and accountable for exercising good judgment and avoiding situations that might present a conflict of interest or be perceived as a conflict of interest.
2. Employees shall not use their position, authority or influence for personal, financial or material gain or personal business purposes or for the personal, financial or material gain or business purposes of a relative, friend and/or business associate. Every employee shall uphold and enhance all Board business operations by:
 - a) maintaining the highest standard of integrity in all business relationships, both inside and outside the Board;
 - b) carrying out all activities, in particular contracting and purchasing activities, in a fair and transparent manner with a view to obtaining the best value for the Board's money, and ensuring that resources are used in a responsible, efficient and effective manner;
 - c) fostering the highest standard of professional competence amongst those for whom they are responsible, and for themselves, striving always to improve procedures, knowledge levels and skill, and sharing leading practices;
 - d) complying with and being seen to be complying with the letter and spirit of:
 - * the laws of Canada and the Province of Ontario; and
 - * contractual obligations applicable to the individual and the Board; and
 - e) rejecting and denouncing any business practice that is improper or inappropriate or may reasonably appear to be improper or inappropriate.

3. An employee must not engage or participate in any outside employment, business or commercial undertaking (paid or volunteer) that interferes with the performance of his or her duties as an employee of the Board, or from which an economic, financial or commercial advantage may be derived by the employee, a relative, friend and/or business associate of the employee, as a result of confidential business, financial or commercial information gained by the employee from employment with the Board.

4. An employee shall not use his or her position, authority or influence to give any person or organization special treatment that might, or might be perceived to advance the interests of the employee, or the interests of a relative, friend and/or business associate of the employee. This includes providing preferential treatment or publicly endorsing suppliers or products.

5. An employee must not participate in any decision or recommendation in which he or she, or a relative, friend or business associate may have a financial, commercial or business interest.

Disclosure

Where a conflict of interest arises, or when a potential conflict of interest emerges, the employee has a duty to inform his/her immediate supervisor of any and all relevant facts concerning the situation. The Director of Education shall disclose a conflict of interest or potential conflict of interest to the Chair of the Board. The Associate Directors shall disclose a conflict of interest or potential conflict of interest to the Director of Education. Superintendents shall disclose a conflict of interest or potential conflict of interest to their respective Associate Director. All other employees shall disclose a conflict of interest or potential conflict of interest to their immediate Supervisor. Where a conflict is disclosed, it must be evaluated and an appropriate mitigating action must be taken.

If a conflict of interest has occurred, then the immediate Supervisor should contact the Employee Relations Department for appropriate review/investigation.

Any personal interest that may impinge or might reasonably be deemed by others to impinge on an employee's impartiality or judgment in any matter relevant to his/her duties, should be declared to the employee's immediate supervisor, and in the case of the Director, to the Chair of the Board.

III. COMPLYING WITH THE LAW

1. All employees will and will be seen to comply with the letter and spirit of all of the laws of Canada and the Province of Ontario and any contractual obligations resulting from the employees' duties, employment or employment duties and/or any contractual obligations of the Board.

2. When acting on behalf of the Board, no employee shall at any time take any action that he or she knows or reasonably should know violates any applicable law or regulation.

3. It is every employee's responsibility to ensure that all information he or she communicates in the course of his or her employment duties is accurate and complete. No employee shall withhold information or knowingly mislead members of the Board, officers, supervisors, parents/guardians, students or the public.

4. It is the responsibility of all employees to familiarize themselves with their duties and any requirements of them as prescribed by the *Education Act*, and Regulations, the *Municipal Freedom of Information and Protection of Privacy Act* and Regulations and any other Act or Regulation that may be applicable to the employee's employment duties, from time to time.

5. All employees are responsible for immediately reporting to an appropriate supervisor any suspected illegal behaviour or behaviour that contravenes this or any policy of the Board.

IV. CONFIDENTIALITY

1. All employees acknowledge that, as part of their duties to the Board, they may have access to private and confidential financial, business and/or commercial information belonging to the Board that may provide a financial, business, commercial or competitive advantage, and that they may be exposed to private and confidential student and personnel information.

2. Except as may be required by the law, or otherwise by a competent authority, all employees and former employees agree not to use, directly or indirectly, for the employee's benefit or for the benefit of any person, organization, firm, or other entity, the Board's proprietary or confidential information disclosed or entrusted to that employee or developed or generated by the employee during the performance of his or her duties for the Board. Such information may include, but is not limited to, information relating to the Board's organizational structure, operations, business plans, technical projects, business costs, research data results, inventions, trade secrets or other work produced, developed by or for the Board.

3. The confidentiality of business/corporate information received in the course of duties must be respected and should not be used for personal gain. Information given in the course of fulfilling employment duties should be true and fair and not designed to mislead. For example, it is considered unethical and damaging to the Board's reputation to allow a vendor's proprietary/confidential information to pass to another vendor, potential vendor or any person with a financial interest in the information, whether potential or actual, direct or indirect.

4. Except as may be required by law, or otherwise by a competent authority, and in accordance with the *Education Act* and *Municipal Freedom of Information and Protection of Privacy Act*, all employees agree not to use or disclose the personal and/or educational information of students and their families in the Board's possession, or which may come to the attention of such employee during the course of his or her duties with the Board.

5. The confidentiality of personal/educational student and family information received in the course of duties must be respected, protected and kept confidential. Information received should not be discussed or reviewed in public or where another employee, student, parent or member of the school community could accidentally overhear or read such information.

6. Except as may be required by law, or otherwise by a competent authority, and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, all employees agree not to use or disclose the personal and/or employment information of Board employees and their families in the Board's possession or which may come to the attention of an employee during the course of his or her duties with the Board.

7. The confidentiality of personal/employment and family information about fellow Board employees, and/or Trustees, received in the course of duties must be respected, protected and kept confidential. Information received should not be discussed or reviewed in public or where another employee or member of the public could accidentally overhear or read such information.

V. BOARD RESOURCES

1. No employee shall use Board resources for personal gain. No employee shall permit relatives, friends and/or business associates to use Board resources for personal gain.

2. All employees shall abide by Board Policies and General Administrative Procedures regarding the use of Board resources including information technology resources.

3. All employees acknowledge that works of authorship commissioned, assigned, or paid for by the Board, which may include, but are not limited to books, articles, pamphlets, course materials, inventions, improvements, discoveries, computer software, and documentation, created by the employees on Board time, in the course of their employment, are the sole property of the Board. Employees who have created works of authorship in the course of their employment shall have no propriety or moral rights to their creation or invention.

VI. ONTARIO BROADER PUBLIC SECTOR (BPS) SUPPLY CHAIN CODE OF ETHICS

This Code of Ethics does not supersede the Board's Code of Ethics, above, but supplements the Code of Ethics with standards of practice specific to the supply chain.

Goal: To ensure an ethical, professional and accountable BPS supply chain.

1. Personal Integrity and Professionalism

Employees involved with Supply Chain Activities must act, and be seen to act, with integrity and professionalism. Honesty, care and due diligence must be integral to all Supply Chain Activities within and between the Board, suppliers and other stakeholders. Respect must be demonstrated for each other and for the environment. Confidential information must be safeguarded. Employees must not engage in any activity that may create, or appear to create, a conflict of interest, such as accepting gifts or favours, providing preferential treatment, or publicly endorsing suppliers or products.

2. Accountability and Transparency

Supply Chain Activities must be open and accountable. In particular, contracting and purchasing activities must be fair, transparent and conducted with a view to obtaining the best value for public money. All employees must ensure that Board resources are used in a responsible, efficient and effective manner.

3. Compliance and Continuous Improvement

Employees involved with purchasing or other Supply Chain Activities must comply with this Code of Ethics and the laws of Canada and Ontario. Employees should continuously work to improve supply chain policies and procedures, to improve their supply chain knowledge and skill levels, and to share leading practices.

VII. HOSPITALITY AND GIFTS

Employees who are involved in supply chain activities shall not receive gifts, gratuities, or favours from suppliers at any time.

i) Offering or Accepting Gifts, Gratuities or Favours

Offering or accepting gifts, gratuities or favours could be mistaken for improper payment and could influence or appear to influence the making of business decisions.

Employees should not use their position for improper gain, nor under any circumstances accept gifts of cash, bonds, securities, personal loans, airline tickets, use of a vacation property or costly entertainment.

In accepting any gift, gratuity or favour, the conditions outlined in ii) below must be met.

ii) Conditions for Accepting Gifts or Favours

An employee who is not a participant in Supply Chain Activities may accept the hospitality or a gift from another in the course of the professional relationship, if:

- * the employee believes that the donor is not trying to obligate them, or improperly influence a decision; and,
- * it is "normal business practice" for the purposes of courtesy and good business relations; and,
- * acceptance is legal and consistent with generally accepted ethical standards.

iii) Examples of Acceptable Gifts

Examples of acceptable gifts for employees who are not participants in Supply Chain Activities include:

- * holiday gifts, such as fruit baskets or candy; and
- * inexpensive advertising and promotional materials (e.g., give-aways, such as pens or key chains); and

- * inexpensive awards to recognize service and accomplishments in civic, charitable, educational or religious organizations (such as nominal gift certificates/cards to book stores).

iv) Gifts of Considerable Value

Where it would be extraordinarily impolite or otherwise inappropriate for an employee who is not a participant in Supply Chain Activities to refuse a gift of obvious value, the gift may be accepted on behalf of the Board. As noted under (vi) Reporting Gifts, Hospitality and Favours, employees must report the gift. Such gifts may not be taken for the employee's home use or enjoyment. Employees should ask themselves if public knowledge of the gift would cause personal embarrassment or embarrassment to the Board.

If there is still uncertainty regarding what is considered an appropriate gift to give or receive, this should be discussed with the immediate supervisor.

v) Honoraria

Senior Management, school administrators, managers and supervisors are not allowed to receive honoraria, gift certificates/cards or payments of any kind, while performing instructional or informational duties while on Board time. The exception to this would be if significant preparation time was required and this preparation time was conducted on personal time.

Honoraria of a significant nature (in excess of \$200.00, exclusive of HST) must be reported as in (vi) below.

vi) Reporting of Gifts, Hospitality and Favours

All employees must notify their immediate Supervisor of any gifts, honoraria, hospitality and/or favours received over \$200.00 (exclusive of HST) and complete the GF 327 Form, Code of Ethics – Reporting of Gifts. Superintendents must notify their respective Associate Directors; the Associate Directors must notify the Director, and the Director of Education must notify the Chair of the Board. All other employees must notify their immediate supervisor.

The immediate supervisor shall complete their section of the GF 327 Form, Code of Ethics – Reporting of Gifts and then forward the completed form to the office of the Superintendent of Human Resources, for retention purposes in a central file.

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