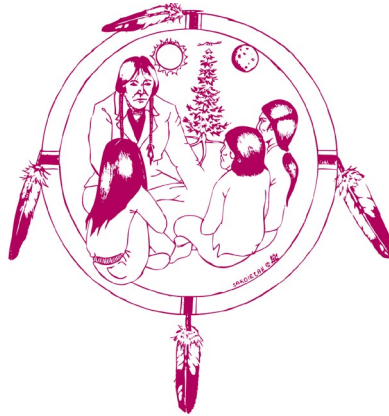


Ahkwesāhsne Mohawk Board of Education



POLICY 402 STAFF CONDUCT AND CONFLICT OF INTEREST

Please Note:

AMBE policies are governance documents that state the Board’s decision related to an area of operation by stating purpose, guiding principles, basic procedures, and key responsibilities.

AMBE senior management is accountable for implementing Board policies, and expected to exercise good judgment when implementing the policies in the context of day-to-day operations. Where appropriate, senior management may decide to develop specific guidelines and procedures, Administrative Frameworks, to ensure the appropriate implementation of Board policy.

This policy was adopted for the first time by the Ahkwesāhsne Mohawk Board of Education (AMBE) on:
February 19, 2020

Subsequent amendments:
_____, 20__

Contents

1. Purpose	2
2. Definitions	2
3. Principles and Directives	3
3.1. Shared Values	3
3.2. Expectations for Staff Members’ Conduct	4
4. Procedures	5
4.1. Staff Conduct	5
4.2. Determination of Conflict of Interest	6
4.3. Breach of Policy	6
5. Roles and Responsibilities	6
5.1. Staff members will:.....	6
5.2. The Staff Member’s Supervisor will:.....	6
5.3. The Director of Education will:	6
5.4. The Chairperson will:.....	7
6. Policy Review and Revision	7

1. Purpose

The purpose of *Policy 402: Staff Conduct and Conflict of Interest*, is to establish and maintain public trust in the Ahkwešāhsne Mohawk Board of Education by:

- Setting expectations for staff conduct in the context of the Board’s key values of integrity, equity and accountability;
- Identifying actual, perceived or potential areas of conflict of interest for staff members; and
- Highlighting the standards for professionalism, and the critical role it plays in maintaining public trust and creating a positive climate for learning and working together.

2. Definitions

In order of appearance

3.1	The Board	Refers to the <i>Ahkwešāhsne Mohawk Board of Education</i>, which includes both the governance and administrative structure.
3.2	Board of Trustees	A duly called meeting of Trustees to conduct the official business of the <i>Ahkwešāhsne Mohawk Board of Education</i> .
3.3	Integrity	Being honest, ethical and demonstrating strong moral principles consistent with Akwesasne Mohawk culture and traditions.
3.4	Equity	Treating students, parents/guardians, teachers, staff, management and all members of the <i>Ahkwešāhsne Mohawk Board of Education</i> community with fairness, impartiality and the principles of merit.

3.5	Accountability	Taking responsibility and being able to justify actions and/or decisions, including accepting responsibility for decisions and actions of those one supervises.
3.6	Principle of Merit	Pre-determining criteria that is applicable to all decisions related to students, parents/guardians, teachers, staff and management. For example, basing selection on specific knowledge skills and experience required for specific position; or defining the criteria to be eligible for a particular award and/or recognition.
3.7	Actual Conflict of Interest	<p>A direct conflict between a staff member’s official duties and responsibilities and a competing interest or obligation, whether personal or involving a third-party. An actual conflict of interest includes participating in decisions which impacts a family member, personal friends and/or business partners or associates, such as:</p> <p>Directly engaging in hiring and/or supervising a family member, personal friends and/or business partners or associates; and/or</p> <p>Recommending and/or submitting a family member, personal friends and/or business partners or associates for a position or award.</p>
3.8	Perceived Conflict of Interest	A situation in which it could be reasonably perceived, or give the appearance, that competing interests could improperly influence the performance of a member’s official duties and responsibilities.
3.9	Potential Conflict of Interest	A circumstance where a staff member may have an interest or obligation, whether personal or involving a third-party, that could conflict with her/his official duties and responsibilities in the future.
3.10	Nepotism	The practice of showing favoritism toward your family members, personal friends and/or business partners or associates in economic or employment terms.
3.11	Stewardship	The careful and responsible management of something entrusted to one's care.
3.12	Inclusive	Ensuring that systemic biases and/or barriers are removed in order to ensure that everyone feels included, valued and heard.

3. Principles and Directives

3.1. Shared Values

Principles and Directives

- 3.1.1. The Board is committed to safeguarding the public interest and trust in the Board.
- 3.1.2. The conduct of staff members must always bring honour and respect to the Akwesähsne Mohawk Board of Education.
- 3.1.3. The Board expects that staff conduct will reflect the key values of Board of Trustees: *Policy 2: Board of Trustees Code of Ethics*:
 - *Integrity*, being honest, ethical and demonstrating strong moral principles consistent with Akwesasne Mohawk culture and traditions;

- *Equity*, treating students, parents/guardians, other staff and all members of the *Ahkwesāhsne Mohawk Board of Education* community with fairness, impartiality and the principles of merit; and
 - *Accountability*, taking responsibility and being able to justify actions and/or decisions, including accepting responsibility for decisions and actions of those one supervises.
- 3.1.4. The success of the Board relies on staff members fulfilling their roles and responsibilities with the highest standard of conduct; performing their duties in good faith and in the best interests of the students and the Board.
- 3.1.5. The Board believes that interaction through formal work related contact and informal community contact between staff and students, parents/guardians, and community members builds trusting relationships, and therefore encourages staff to take an active part in community functions.
- 3.1.6. Staff members are expected to uphold the public trust and demonstrate integrity in all their dealings by avoiding conflict of interest situations, whether actual, perceived or potential.
- 3.1.7. Staff members are responsible and accountable for identifying and sharing with their direct Supervisor and/or the Director of Education any situations which may present an actual, perceived or potential conflict of interest as it pertains to staff discussions and school or service decisions;
- 3.1.8. Where there is a perceived or potential conflict of interest related to nepotism, it will be treated as an actual conflict of interest.
- 3.1.9. The Staff Conduct and Conflict of Interest policy is aligned with and supports the principles and expectations of the Board of Trustees: *Policy 2: Board of Trustees Code of Ethics* and *Policy 3: Board of Trustees Conflict of Interest and Nepotism*.

3.2. Expectations for Staff Members' Conduct

Principles and Directives

- 3.2.1. Staff members will further demonstrate *integrity* by:
- Eliminating personal biases from professional responsibilities and decisions by making every effort to be objective;
 - Actively listening to, considering and acknowledging contributions made by all members of the school community including parents/guardians, students and other staff;
 - Maintaining confidentiality of all internal discussions and materials, particularly pertaining to student, personal and staff personnel information, unless compelled by a legal process to disclose such information, or as authorized by Director of Education;
 - Recognizing that being a staff member is an honour, and therefore must serve the community without fear or favour;
 - Understanding that accepting any forms of bribery jeopardises public trust; and
 - Refraining from taking advantage of the power imbalance that exists between a staff member and a student or intern by engaging in inappropriate relations (*e.g. romantic or sexual*) and/or coercive behaviour.
- 3.2.2. Staff members will further demonstrate *equity* by:
- Supporting, implementing and proposing equity-based policies and practices;
 - Allocating and using resources equitably to ensure that all students can learn and succeed academically and socially;
 - Actively removing barriers that limit a student's capacity to master content;

- Implementing curriculum, programs and services in a way that removes barriers that prevent students from achieving academic success;
- Creating a safe space for difficult and/or controversial issues to be discussed fairly and without prejudice; and
- Safeguarding the principle of merit as it relates to:
 - Implementation of inclusive based academic assessment and reward; and
 - Implementation of hiring policies and practices.

3.2.3. Staff members will further demonstrate *accountability* by:

- In the spirit of the Board's key values, ensuring they follow the Mohawk Council of Akwesasne's laws, regulations and Board policies and administrative practices;
- Engaging in thoughtful stewardship of resources entrusted to their care;
- Ensuring students, parents/guardians and staff trust through honesty and transparency as demonstrated through the sharing of appropriate and relevant information freely, voluntarily, and proactively, while respecting and protecting the confidentiality of personal information related to students, their families, and other staff; and
- Accepting responsibility for Board decisions made by majority vote and supporting them publicly.

Duty to Disclose a Conflict of Interest

- 3.2.4. A staff member must disclose the existence of a financial or non-financial actual, perceived or potential conflict of interest.
- 3.2.5. Staff members shall complete a *Conflict of Interest Questionnaire* to aid in disclosure and serve as documentation at time of engagement and if a change occurs.
- 3.2.6. Staff members will be provided an opportunity to disclose all material facts to their direct Supervisor and/or the Director of Education in order to consider the proposed transaction or arrangement that poses a conflict of interest.
- 3.2.7. Staff members are encouraged to discuss any situation that may pose concern with their Supervisor or the Director of Education to avoid any actual, perceived or potential conflict of interest.
- 3.2.8. When a staff member is concerned that a colleague may be in conflict of interest, the staff member is encouraged to discuss the situation with their colleague or their direct Supervisor.
- 3.2.9. The staff member shall disclose in writing, the facts and their stated concerns to their direct Supervisor and/or the Director of Education:
- If after the discussion concern remains; or
 - If the situation is severe enough to warrant immediate action.
- 3.2.10. Any personal information disclosed under this policy, will be treated confidentially.

4. Procedures

4.1. Staff Conduct

- 4.1.1. The shared values and expectations for staff conduct will be reflected in the performance of all their duties:

- Ethically and responsibly implementing all programs and services related to their role, consistently placing the needs of Akwesasne students, parents/guardians and staff above their own interests.

4.2. Determination of Conflict of Interest

- 4.2.1. The decision related to an actual, perceived or potential conflict of interest rests with the Director of Education with input from the staff member's direct Supervisor as required.
- 4.2.2. *No Conflict of Interest Exists:*
If the Director of Education determines that a conflict of interest does not exist, she/he shall inform the staff member involved, and the staff member can participate in discussion and decision-making.
- 4.2.3. *Actual, Perceived or Potential Conflict Exists:*
If the Director of Education concludes that there is an actual, perceived or potential conflict of interest, the staff member must withdraw from discussion and decision-making.
- 4.2.4. The decision of the Director of Education is final.

4.3. Breach of Policy

- 4.3.1. If a staff member does not respect the Principles and Directives as articulated in this policy, the Director of Education, with input from the staff member's direct Supervisor as required, shall consider appropriate disciplinary action.

5. Roles and Responsibilities

5.1. Staff members will:

- 5.1.1. Adhere to *Staff Policy 402: Staff Conduct and Conflict of Interest Policy*;
- 5.1.2. Complete a *Conflict of Interest Questionnaire* at time of engagement and if a change occurs;
- 5.1.3. Declare any actual, perceived or potential conflict of interest in accordance with the *Policy 402: Staff Conduct and Conflict of Interest*;
- 5.1.4. Report any real or perceived violation of the *Staff Policy 402: Staff Conduct and Conflict of Interest*; and
- 5.1.5. If a staff member feels that their direct Supervisor is not adhering to the policy and:
 - Is comfortable approaching her/him, the staff member may discuss the situation with their direct Supervisor, giving her/him the opportunity to repair the situation; however,
 - If the staff member is uncomfortable approaching their direct Supervisor, the staff member may discuss the situation with the Director of Education.

5.2. The Staff Member's Supervisor will:

- 5.2.1. If a staff member brings a situation to her/his attention, assist them in working through the situation in the context of this policy;
- 5.2.2. If a staff member does not adhere to the policy, provide them the opportunity to repair the situation; and
- 5.2.3. If the staff member is unable or unwilling to repair the situation, bring the breach of *Staff Policy 402: Staff Conduct and Conflict of Interest* to the attention of the Director of Education.

5.3. The Director of Education will:

- 5.3.1. In the context of this policy, consider all situations of actual, perceived or potential conflict of interest brought to her/his attention;
- 5.3.2. Where necessary, determine if there is any actual, perceived or potential conflict of interest; and

- 5.3.3. Arrange to provide any training related to the *Staff Policy 402: Staff Conduct and Conflict of Interest* that may be required.

5.4. The Chairperson will:

- 5.4.1. Address any situation of actual, perceived or potential conflict of interest relate to the Director of Education brought to her/his attention;
- 5.4.2. Discuss the situation with the Director of Education, and if required provide her/him with the opportunity to repair the situation; and
- 5.4.3. If the Director of Education is unable or unwilling to repair the situation, bring the breach of the *Staff Policy 402: Staff Conduct and Conflict of Interest* to the attention of the Board.

6. Policy Review and Revision

Principles and Directives:

- 6.1.1. It is important for the policies of the Akwesāhsne Mohawk Board of Education to remain current and serve the best interest of Akwesasne students and the Akwesasne community.
- 6.1.2. The Board of Trustees recognizes that this policy should be reviewed at a minimum of every 5 years and/or when the legal or regulatory requirements of the Mohawk Council of Akwesasne change or the Board must meet new government obligations.

Procedures:

- 6.1.3. The Board of Trustees will establish a timeline for the regular review of this policy that requires the policy be reviewed at the minimum 5 years from the date of approval by the Board or as required by new circumstance or obligations.

Roles and Responsibilities:

- 6.1.4. Board of Trustees will:
- Establish a timeline for the regular review of this policy and ensure that it is respected; and
 - Ensure that this policy is reviewed at a minimum every 5 years from the date of approval, or when the legal or regulatory requirements of the Mohawk Council of Akwesasne change or the Board must meet new government obligations.
- 6.1.5. The Director of Education will:
- Initiate a review of this policy at a minimum every 5 years from the date of approval, or when the legal or regulatory requirements of the Mohawk Council of Akwesasne change or the Board must meet new government obligations.