

Subject: Conflict of Interest
Effective: April 1, 2005
Revised:

1.0 PURPOSE

This policy provides guidance regarding conflict of interest avoidance in the public education system.

2.0 APPLICATION

This policy applies to Part I employees employed by the Department of Education, Part II employees (school and school district), District Education Council (DEC) members and Parent School Support Committee (PSSC) members.

3.0 DEFINITIONS

Part I employees are employees of government included in Part I of the public service (i.e. government departments), as defined in the First Schedule of the [Public Service Labour Relations Act](#).

Part II employees are employees of government included in Part II of the public service (i.e. school districts), as defined in the First Schedule of the [Public Service Labour Relations Act](#).

4.0 LEGAL AUTHORITY

[Education Act](#), subsections 32(4.1) and 36.41(2):

Establishment of Parent School Support Committees

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32(4.1) Except as provided for in subsection (5), school personnel who are employed in a school are not eligible to be elected or appointed to or to serve as a member of the Parent School Support Committee for that school.

Eligibility for candidacy in a District Education Council election

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36.41(2) School personnel and employees of the Department of Education are not eligible to be elected or appointed to or to serve as a councillor.

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[Governance Structure Regulation](#) under the [Education Act](#), section 33:

Conflict of Interest

33(1) In this section

"family associate" means a spouse, parent, child, grandparent, grandchild, brother, sister, aunt, uncle, niece, nephew or first cousin of a member of a Parent School Support Committee or District Education Council.

33(2) A member of a Parent School Support Committee or District Education Council has a conflict of interest

(a) where the member or a family associate has an interest in any contract in which the Parent School Support Committee or District Education Council of which the member is a member has an interest,

(b) where the member or a family associate has an interest in any other matter in which the Parent School Support Committee or District Education Council is concerned that would be of financial benefit to the member or family associate,

(c) where the member or a family associate is a shareholder in, or is a director or officer of, a corporation that has an interest in any contract with the school, the school district or the Province,

(d) where the member or a family associate is a shareholder in, or is a director or officer of, a corporation that has an interest in any other matter in which the Parent School Support Committee or District Education Council is concerned that would be of financial benefit to the corporation,

(e) where the member uses for personal gain or for the gain of others the member's position on the Parent School Support Committee or District Education Council or any privileged information to which the member may have access or to which the member is privy because of the member's position,

(f) where the member accepts any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by the member in the performance of his or her duties as a member of a Parent School Support Committee or District Education Council, or

(g) where a family associate is being considered in a matter of employment by the Parent School Support Committee or District Education Council of which the member is a member.

33(3) A member of a Parent School Support Committee or District Education Council shall not, at a meeting of the Parent School Support Committee or District Education Council, participate in any discussion or vote on any question in relation to any matter in respect of which the member has, in accordance with this section, a conflict of interest and shall, as soon as the matter is introduced, disclose the conflict of interest and immediately withdraw from the meeting while the matter is under discussion or vote.

5.0 GOALS / PRINCIPLES

- 5.1** The Department of Education believes that public trust and confidence is important to the public education system. The avoidance of conflicts of interest on the part of employees, DEC members and PSSC members is essential to the integrity of the public education system.
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6.0 REQUIREMENTS / STANDARDS

Personal Judgment

- 6.1** In order to prevent conflict of interest or the appearance thereof, an employee, DEC member or PSSC member must exercise his/her judgment to:
- a) avoid circumstances where they could confer or appear to confer a benefit on themselves, a family associate, friend or business associate; and
 - b) avoid giving unwarranted special consideration or preferential treatment to any person or organization for any reason.
- 6.2** Employees, DEC and PSSC members must not engage in any business or transaction of a financial or personal nature that would compromise the fair and honest discharge of their official duties.

Conflict of Interest Provisions

- 6.3** Employees must comply with the provisions of the provincial Administration Manual Conflict of Interest Policy [AD-2915](#). This policy applies to Parts I, II and III of the Public Service.
- 6.4** Members of DEC or PSSC must comply with the conflict of interest provisions of the [Governance Structure Regulation](#) (section 33 and the oath of office provided in Form 1 and 2).

Participation on a District Education Council (DEC)

- 6.5** Subsection 36.41(2) of the [Education Act](#) states, "School personnel and employees of the Department of Education are not eligible to be elected or appointed to or to serve as a councillor." This section is to be interpreted in the broadest sense and as such:
- 6.5.1** Persons receiving a payroll cheque from a school district or the Department of Education, including supply teachers, casual staff and employees hired on contract may not participate as a member on a DEC. This restriction does not apply to employees of another organization hired under a contract with a school district or the Department of Education (e.g. an employee of a catering company running a cafeteria, a custodian employed by a cleaning company to clean schools or a counselor offering counseling services under contract).

- 6.5.2** A Department of Education or school district employee may not be nominated as a candidate in a DEC election, even if the employee is planning to leave the employ of the education system prior to taking office as an elected member (i.e. July 1 of an election year). The employee must terminate employment prior to nomination.
- 6.5.3** A DEC member may not be employed by a school district or the Department of Education in any capacity.

Participation on a Parent School Support Committee (PSSC)

- 6.6** Except as provided under the [Education Act](#) for the participation of the school principal and a teacher member, school personnel who are employed in a school are not eligible to be elected or appointed to or to serve as a member of the PSSC for that school (as stated in subsection 32(4.1) of the [Education Act](#)). This restriction applies to any person assigned to work in a particular school, except in the case of short-term (less than 20 work days), casual or supply work.

7.0 GUIDELINES / RECOMMENDATIONS

- 7.1** Guidelines for Particular Employee Groups
- 7.1.1** Teachers may refer to the New Brunswick Teachers' Association *Code of Ethics*, available in the Member's Handbook posted on the NBTA website at <http://www.nbta.ca/>.
- 7.1.2** School Psychologists – *Guidelines for Conflict of Interest Avoidance on the Part of School Psychologists Conducting Private Practices* ([Appendix A](#)).

8.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING

- 8.1** DEC's may develop more detailed policies regarding procedures for conflict of interest avoidance on the part of DEC members, PSSC members and employees.

9.0 REFERENCES

Provincial Administration Manual Conflict of Interest Policy [AD-2915](#)

[Department of Education Part I Code of Conduct](#)

Related Legislation:

[School Administration Regulation](#) (97-150) under the [Education Act](#)

[Conflict of Interest Act](#)

[Financial Administration Act](#)

[*Protection of Personal Information Act*](#)

10.0 CONTACTS FOR ADDITIONAL INFORMATION

Department of Education – Policy and Planning Branch
(506) 453-3090

Department of Education – Human Resources Branch
(506) 453-2030

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