

Regina Public School Teachers' Association

5.3 - Conflict of Interest Policy

Area: Governance

Status: Pending Assembly Approval

Approving body: Executive, Assembly

Date of Approval: 01/25/2021 (Executive), 05/03/2021 (Assembly)

Resources: RPSTA constitution, University of Regina; Conflict of Interest Policy, RPSD AP 404 - Conflict of Interest

Beliefs:

Correctly managing Conflicts of Interest and perceived Conflicts of Interest is a critical part of managing operational and reputational risks to the organization.

Managing Conflicts of Interest appropriately is critical to maintaining the trust of the membership.

The Regina Public School Teachers' Association (RPSTA) recognizes members' involvement in the community and in outside professional activities as long as they do not conflict or interfere with their obligations to the RPSTA.

Members with designated roles have a larger commitment to the RPSTA (ie: Assembly reps, Committee members, Councillors, Executives, President, etc.) and have a proportionally larger responsibility to ensure that their activities do not conflict with their duty to the RPSTA. These members shall serve RPSTA to the best of their abilities, and shall be accountable for making the best possible decisions to meet and support the needs of members.

Principles:

- A Conflict of Interest or perceived Conflict of Interest does not indicate any wrongdoing by a member, so long as they manage the conflict appropriately and transparently.
- The management of Conflicts is more critical for those who wield more significant decision making power within the organization, therefore more checks ought to be in place for those with more decision making power
- A member's duty to the organization, includes a duty to disclose Conflicts as they arise
- In general, if a member is unsure if they are in Conflict or Perceived Conflict, they should err on the side of caution and "over-disclose"

5.4 Procedures:

Defining Conflicts of Interest and Perceived Conflicts of Interest (and related terms)

5.4.1. Conflicts of Interest and Perceived Conflicts of Interest should be understood in the following terms.

1.1. Types of Conflict of Interest

1.1.a. Conflicts of Interest

1.1.a.i. A Conflict of Interest arises when a Member or Closely-Associated Person to the Member has an interest (financial, relationship or otherwise) in another organization or individual that will interfere with their professional obligation to act in the best interests of the RPSTA.

1.1.b. Perceived Conflicts of Interest

1.1.b.i. A Perceived Conflict of Interest arises when a Member or a Closely-Associated Person to the member is perceived to have an interest that might conflict with the Member's ability to make a decision that is consistent with their professional obligation to act in the best interests of the RPSTA.

1.2. Closely-Associated Persons

1.2.a. A member of the member's immediate family: spouse or common-law partner, children (including adopted and foster children), parents and siblings, spouse or common-law partner's parents and siblings, siblings' children (including adopted and foster children), and any other people who share the member's home if they depend on the member or the member's spouse or common-law partner for support. A person with whom the member has a close friendship or a sexual relationship. This could include someone with whom the member has had such a friendship or relationship.

1.3. A Conflict of Interest does not occur when the personal impact is very minor or inconsequential when compared to the overall outcome of the motion (ie: a resolution to set organizational fees does not put a Member in Conflict because of the relatively small personal impact when compared to the overall impact of the resolution, etc.)

How and when to disclose Conflicts of Interest

5.4.2. Disclosure In writing

2.1. Annual Disclosure Form

2.1.a. All members of the Executive, Committee chairs and Councillors should complete an Annual Disclosure Form (typically at the first meeting of one's term) and submit it to the Executive for collection.

2.1.b. If necessary, members may file an updated Annual Disclosure Form should a new interest arise between disclosure periods.

- 2.1.c. Disclosure forms are generally not public documents, but may be reviewed by the Executive or the Chair of a meeting to assist in deciding whether or not a member is acting in conflict.

5.4.3. Disclosure at a Meeting

- 3.1.a. All meetings with fewer than 35 members participating should include an opportunity for members to disclose any Conflicts at the beginning of the meeting. Conflicts disclosed at this time should be noted in the minutes of the meeting.
- 3.1.b. Additionally, should a member become aware of a Conflict at a later point during the meeting, they should take steps to notify the Chair and ensure that the Conflict is stated for all members, as well as noted in the minutes.
- 3.1.c. If a member suspects another member has not yet disclosed a Perceived Conflict, they should first address that member directly and gain further understanding of the situation. If the member still feels the matter is unresolved after that initial conversation, then they may bring up the matter with the Chair in an appropriate manner.
- 3.1.d. The Chair of the Meeting will make a judgement call of what constitutes a Conflict and will decide which matters ought to be included on the minutes, subject to regular rules around challenging the Chair.

How to manage a Conflict

- 5.4.4. When a member finds themselves in a Conflict they should take appropriate steps to ensure that the Conflict is managed in a way that is transparent and accountable to members
 - 4.1. In meetings
 - 4.1.a. If a member is in Conflict at a meeting, they should not participate in the debate(s) and decision(s) that place them in Conflict. The Member should request that their abstention from a vote be noted in the minutes.
 - 4.1.b. The Chair may allow a Member to speak on a specific subject that they have declared a Conflict on, in order to provide knowledge or expertise that could support and improve the decision making process. When a Member speaks under these circumstances, they should provide only the information requested and speak in a factual way that avoids bias.
 - 4.2. In operational decisions
 - 4.2.a. If a Member is given a task that involves them making independent operational decisions without the direct oversight of the membership, that Member should identify situations where they might find themselves in Conflict and address those concerns with an appropriate Member of the RPSTA (ie: the Chair of the meeting where the task was given, or the President or member of Executive Council).

Name and Reputation

5.4.5. The name and reputation of the RPSTA should only be used when completing association business.

- 5.1. When members are representing the RPSTA they should behave in a manner that protects the reputation of the organization. Some examples of appropriate use of the name and reputation of the RPSTA are as follows:
 - 5.1.a. Seeking donations or sponsorship from outside organizations, when assigned by a committee to do so for the benefit of the RPSTA
 - 5.1.b. Preparing a brochure or other promotional or advocacy related document that will be published by the RPSTA
- 5.2. Generally speaking, members should not use the name and reputation of the RPSTA when the benefit of using the name and reputation of the organization is primarily received by the member and not the organization. Some examples of this type of inappropriate use are as follows:
 - 5.2.a. Using the name of the RPSTA to secure a discount on services or goods that one is purchasing for non-RPSTA purposes
 - 5.2.b. Implying the support of the RPSTA for events or advocacy, without receiving appropriate permission or approval to act on behalf of the RPSTA
- 5.3. Exception to above;
 - 5.3.a. Members may reference their work as a member of the RPSTA when applying to other positions and roles in other organizations

Consequences

- 5.4.6. Members must always be proactive and forthright when a Conflict arises. If a failure to disclose a Conflict results in material or reputational damage to the organization, it could result in consequences for the member including;
- 6.1. Personal liability for the cost of decisions made while in conflict
 - 6.2. Other sanctions, as determined by the Executive
 - 6.3. Removal from office as described in the Constitution
 - 6.4. Additional legal consequences

APPENDIX 1

Annual Disclosure form

Name: _____

Position: _____

Email: _____

Committee: _____

Type of Disclosure:

- New member of committee/executive
- Annual renewal
- Declaration regarding a particular matter (more info: _____)

Declaration

1. Have you read the RPSTA's policy on Conflict of Interest?
 Yes No

2. Are you aware of any Closely Associated Persons who are members of the RPSTA or who do business with the RPSTA? If yes, please list them below;

Name	Relationship	Role

3. Do you serve as a board member, employee or consultant of any other organization(s)? If yes, please list them below.

Name of Entity	Role

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4. To the best of your knowledge, do you or a Closely Associated Person engage in any activities or have any interests that could be regarded as a Conflict of Interest or a perceived Conflict of Interest for you in your role with the RPSTA?

- Yes (please describe below)
 No

Agreement regarding Conflict of Interest

I understand and agree to the following (Initial);

- I have reviewed the Conflict of Interest Policy
- Other than noted above, I am engaged in no activity and/or have no interest that is or could be reasonably perceived to be in Conflict of Interest with my duty to the RPSTA
- I will not participate in any RPSTA activities (including decision making processes) that involve a real, perceived or potential Conflict of Interest. If a Conflict should arise, I will take the necessary steps to declare the Conflict and remove myself from the activity in question.
- I will update my annual declaration as necessary when/if my circumstances change

Name (print): _____

Signature: _____

Date: _____

Renewal

A new form should be completed at least every fifth year;

Date	Signature of member	Witness (Print name & Sign)

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