

G. BCTF Conflict of Interest Policy for Members

PROCEDURES

20.G.02—BCTF Conflict of Interest Policy for Members

1. Purpose

The purpose of this Policy is to promote transparency and reduce the incidence and impact of conflicts of interest. It is intended to identify real, potential and perceived conflicts of interest and provide for the consistent application of measures to prevent and deal with such conflicts of interest.

The Federation is committed to ensuring that its business and activities are conducted in a manner consistent with the interests of the membership as a whole and in a manner that maintains the memberships' trust and confidence. To achieve this, the Federation is putting in place this Policy to provide procedures to ensure conflicts of interest are disclosed and either avoided or appropriately managed.

2. Application

This Policy applies to all members of the Federation. It is anticipated that members who are politically active in the Federation will be at a greater risk of being in breach of a real, potential or perceived conflict of interest. For this reason, Federation officials (i.e., those politically active in the Federation) are responsible for informing themselves and complying with the requirements imposed on them by this Policy.

3. Definition

A conflict of interest includes a situation where personal considerations may compromise, or have the appearance of compromising, a person's professional judgment. A personal interest includes business, commercial and financial interests, as well as personal matters and career interests.

Conflicts of interest are situations in which an impartial observer might reasonably question whether actions or decisions taken by a member are influenced by considerations of personal interest. There are three distinct types of conflicts:

- a. A real conflict of interest is a situation where the personal interest actually conflicts with the member's obligations to the Federation.
- b. A potential conflict of interest is a situation where the personal interest has not yet conflicted with the member's obligations to the Federation but might in the future.
- c. An apparent conflict of interest occurs where an actual or potential conflict may not exist but where there may be, from the perspective of a reasonably well-informed, impartial observer, a perception of a conflict of interest. This is also referred to as a "perceived" conflict of interest.

Conflicts of interest fall into two further categories: those that may be appropriately managed and those that are prohibited because they cannot be appropriately managed.

A conflict does not occur when the interest or benefit to the member is only as part of the advancement of the interests of the Federation as a whole (i.e., negotiations regarding salary, benefits and other terms and conditions of employment that will benefit a larger group).

4. General Principles

A conflict of interest occurs when the proper administration of a member's duties clashes, or appears to clash, with her or his private financial affairs.

A conflict of interest occurs when the proper administration of a member's duties clashes, or appears to clash, with her or his political or professional interests outside of the Federation.

Members should not, for private gain, make use of information obtained through in-committee sessions, or is otherwise confidential and not available to the public, and to which they have access by reason of their membership in the Federation.

A member should not put herself or himself in a position where her or his judgment could, even unconsciously, be affected by a friendship or close relationship with someone whose interests diverge from those of the Federation.

A conflict of interest can arise at any time. The mere existence of a conflict of interest does not imply wrongdoing or impaired judgment on a member's part. However, conflicts of interest must be recognized, disclosed and avoided or appropriately managed.

5. Examples of Specific Conflicts of Interest

A conflict of interest would occur if a member were to become involved in a Federation election in which she or he was the nominating chair for the election. Nominating chairs must be seen to be completely neutral.

A conflict of interest would occur if a member were to become involved in Federation politics when employed as a staff member of the Federation. Staff members should remain neutral so that they can serve all those within the Federation, regardless of political affiliation.

A conflict of interest would occur if a member who was also a member of the BC Teachers' Council of the Teachers' Regulation Branch remained at a meeting that was discussing, in-committee, Teacher Regulation Branch issues. The member could remain if she or he was specifically invited by the chair of the meeting to stay.

6. Personal and Confidential Information

A member who receives personal or confidential information in the course of Federation business or activities must not use the confidential information for any purposes other than those for which it is disclosed.

7. Obligation to Disclose

Any member who becomes aware that she or he has an actual, potential or apparent conflict of interest that would, or may reasonably be perceived to, affect the member's participation in Federation business or activity must, as soon as practical, disclose the existence, nature and scope of the conflict to the executive director.

A disclosure statement should be updated if any material change occurs.

Members are encouraged to raise matters of concern regarding conflicts of interest to the executive director. Any information provided anonymously will not be acted upon unless the information is independently substantiated.

A member's disclosure of a conflict of interest will be kept confidential, except as necessary to investigate whether a conflict of interest exists and, if so, its scope.

The failure to disclose a conflict of interest or abide by the provisions of this Policy may result in disciplinary action.

8. Determination of Conflict of Interest

Where an actual, potential or apparent conflict of interest has been disclosed, the executive director shall determine whether a conflict of interest exists and, if so, the appropriate measures to deal with the conflict of interest including whether the member can continue to participate in the activity, whether it can be carried out with appropriate safeguards, or whether the member must remove herself or himself from the situation or activity. If there is an actual, potential or apparent conflict of interest involving the executive director, the Executive Committee shall determine the issue.

Where the executive director has made a determination that a conflict of interest exists, and the appropriate measures for dealing with it, the executive director shall notify the member, generally in writing, and include any terms and conditions that must be followed.

Note: The decision of the executive director is binding and final, subject only to external review by appropriate legal bodies.

9. Consequences

Terms and conditions imposed by the executive director may include the removal of Federation privileges such as, but not limited to:

- a. removal from discussion and vote regarding the matter in which the conflict arises.
- b. attendance at Federation meetings partially or wholly prohibited.
- c. access to the portal partially or wholly removed.
- d. (in rare circumstances) a recommendation to the Executive Committee that a member be removed from an official position (elected or appointed) within the Federation.

All consequences will be conducted in accordance with the principles of due process and procedural fairness. (Jan 13 Ex, p. 15)