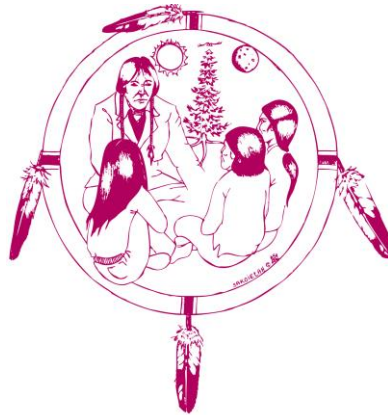


# *Ahkwesāhsne Mohawk Board of Education*



## **POLICY 3 BOARD OF TRUSTEES CONFLICT OF INTEREST & NEPOTISM**

### **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:  
Enniska/February 21, 2019.

Subsequent amendments:  
\_\_\_\_\_, 20\_\_

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## 2. Purpose

The purpose of *Policy 3: Board of Trustees Code of Conflict and Nepotism*, is to identify potential areas of conflict for Board Members in order to establish and maintain public trust in the Board’s integrity and accountability.

Policy 3 also highlights the standards of professionalism and the critical role it plays in maintaining public trust in the Board. A focus on professionalism will also lead to a positive climate of learning and working together.

## 3. Definitions

In order of appearance

3.1	<b>Board of Trustees</b>	A duly called meeting of Trustees to conduct the official business of the <i>Ahkwesāhsne Mohawk Board of Education</i> .
3.2	<b>Board Members</b>	Includes both Trustees ( <i>Elected Members</i> ) and Ex-officio Members ( <i>Portfolio Chiefs and the Director of Education</i> ).
3.3	<b>The Board</b>	Refers to the <i>Ahkwesāhsne Mohawk Board of Education</i> , which includes both the governance and administrative structure.
3.4	<b>Accountability</b>	Taking responsibility and being able to justify actions and/or decisions, including accepting responsibility for decisions and actions of those one supervises.
3.5	<b>Professionalism</b>	The conduct of a person as demonstrated by: <ol style="list-style-type: none"> <li>1. Adherence to AMBE Policies, and particularly Policy 2: Code of Ethics;</li> <li>2. Treating others and your position with respect;</li> <li>3. Honoring your word; and</li> <li>4. Striving for excellence in the performance of entrusted duties and responsibilities.</li> </ol>
3.6	<b>Conflict of Interest</b>	Refers to a situation where a conflict arises between an individual’s public duties versus private interests. A conflict of interest may involve an actual, possible or perceived financial or non-financial benefit involving a Board Member and the interests of her/his family members, personal friends and/or business partners or associates.
3.7	<b>Actual Conflict of Interest</b>	A direct conflict between a member’s official duties and responsibilities and a competing interest or obligation, whether personal or involving a third-party.

3.8	<b>Perceived Conflict of Interest</b>	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	<b>Potential Conflict of Interest</b>	A circumstance where a 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	<b>Nepotism</b>	The practice of showing favoritism toward a Board Member's family members, personal friends and/or business partners or associates in economic or employment terms.

## 4. Principles and Directives

### 4.1. Shared Values:

#### Principles and Directives

- 4.1.1 The Ahkwesāhsne Mohawk Board of Education is committed to safeguarding the public interest and trust in the Board.
- 4.1.2 Board 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.
- 4.1.3 Board Members are responsible and accountable for identifying and sharing with the Board any situations which may present an actual, perceived or potential conflict of interest.
- 4.1.4 Where there is a perceived or potential conflict of interest related to nepotism, it will be treated as an actual conflict of interest.
- 4.1.5 The Conflict of Interest and Nepotism policy is aligned with and supports the principles and expectations of the Policy 2 – Board of Trustees Code of Ethics.

### 4.2. Expectations for Board Members' Conduct:

#### Principles and Directives

#### Duty to Disclose

- 4.2.1. The Board Member must disclose the existence of a financial or non-financial actual, perceived or potential conflict of interest.
- 4.2.2. Annually, each Board Member must disclose any actual, perceived and potential conflicts of interest by completing the appropriate form, and should a new conflict arise the appropriate form must be updated.
- 4.2.3. If the possibility of a conflict of interest is raised during a Board meeting, Board Members will be provided an opportunity to disclose all material facts to the Board in order to consider the proposed transaction or arrangement that poses a conflict of interest.
- 4.2.4. Any personal information disclosed under this policy, will be treated confidentially.

## 5. Procedures

### Discussion and Voting

- 5.1.1. After a Board Member discloses a conflict of interest, the Board should request the person to leave the boardroom for the discussion and the vote on the resolution if required.
- 5.1.2. If a question regarding a Board Member's conflict of interest arises, the Board shall discuss the situation and make a determination.

### Board Determination

- 5.1.3. The Board (excluding any of the Board Members involved in the conflict of interest) shall decide whether there is:
  1. No conflict of interest;
  2. A perceived or potential conflict of interest, and the Board Member should withdraw from discussion and voting; or
  3. An actual conflict of interest, and the Board Member must withdraw from discussion and voting.
- 5.1.4. No Conflict of Interest  
If the Board determines that a conflict of interest does not exist, it shall inform the Board Member involved.
- 5.1.5. Perceived or Potential Conflict  
If the Board concludes that a perceived or potential conflict of interest exists, then the Board shall recommend that the Board Member withdraw from discussion and voting.
- 5.1.6. Actual Conflict of Interest  
If the Board concludes that an actual conflict of interest exists, then the Board must ask that the Board Member withdraw from discussion and voting.
- 5.1.7. The decision of the Board is final and not open for discussion or debate by the Board Member concerned.
- 5.1.8. If a Board Member does not respect the *Principles and Directives* as articulated in this policy, the Board may consider disciplinary action as determined by Board of Trustees, that could include dismissal from the Board of Trustees.

## 6. Roles and Responsibilities

- 6.1.1. Board Members will:
  - Adhere to the provisions of the Board *Policy 3 – Conflict of Interest and Nepotism*;
  - Complete a Conflict of Interest Form annually, and more frequently if required.
  - Declare any actual, perceived or potential conflict of interest in accordance with this policy;
  - Report any actual, perceived or potential breach of this policy to the Chairperson, and in the case of the Chairperson to the Vice-Chairperson;
  - Maintain the *Board of Trustees Oath of Confidentiality* with respect to application of this policy; and
  - Support approved decisions of the Board of Trustees, regardless of personal opinions or objections.

- 6.1.2. The Chairperson will:
- If a Board Member does not adhere to the policy, discuss with them the opportunity to repair the situation; and
  - If the Board Member is unable or unwilling to repair the situation, bring the breach of the *Board of Trustees Code of Conflict and Nepotism* to the attention of the Board.
- 6.1.3. The Vice-Chairperson will:
- If the Chairperson does not adhere to the policy, discuss with the Chairperson the opportunity to repair the situation; and
  - If the Chairperson is unable or unwilling to repair the situation, bring the breach of the *Board of Trustees Code of Code of Conflict and Nepotism* to the attention of the Board.
- 6.1.4. The Director of Education will:
- At the request of the Board, arrange to provide any training related to the *Board of Trustees Code of Code of Conflict and Nepotism* that may be required.

## 7. Policy Review and Revision

### Principles and Directives:

- 7.1.1. It is important for the policies of the Ahkwesāhsne Mohawk Board of Education to remain current and serve the best interest of Akwesasne students and the Akwesasne community.
- 7.1.2. 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:

- 7.1.3. 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:

- 7.1.4. 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.
- 7.1.5. 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.