

POLICY 131 TRUSTEE CONFLICT OF INTEREST

A Trustee is always required to act in the best interests of the Board as a whole, without regard to their personal interests. Trustees have an obligation to avoid conflicts of interest, to remain in a position to provide an unbiased, even-handed and disinterested consideration of matters that come before the Board. A Trustee must never use their position for personal benefit.

Conflicts of interest can arise in a variety of ways, including a direct or indirect pecuniary conflict of interest, a conflict of interest arising by virtue of predetermination of a matter coming before the Board and conflict of interest arising as a result of a personal interest resulting from circumstances or relationships of individual Trustees. A pecuniary interest is an interest in a matter that could monetarily affect the Trustee and includes an indirect pecuniary interest referred to in the *School Act*.

Trustees need to be vigilant in avoiding engagement in discussion, debate, decision-making or being privy to information that can give rise to actual, or perceived, conflicts of interest.

In accordance with common law, a Trustee is not qualified to vote on a matter in which they have a personal interest that could lead a reasonably well-informed outsider to think that their judgment could be influenced by that interest leading to a reasonable apprehension of bias.

A Trustee who has a conflict of interest in a matter before the Board must declare that interest – and not take part in the discussion, vote or attempt in any way to influence the outcome. The declared conflict of interest must be recorded in the Board meeting minutes.

The provisions of the *School Act* regarding disclosure do not apply to a pecuniary interest in any matter that a Trustee may have by reason of the Trustee having an interest in the matter which is an interest in common with electors generally.

Trustees are responsible to make themselves aware of the requirements of the *School Act*. Should a Trustee knowingly contravene the requirements of section 58 of the *School Act*, the courts may declare the Trustee's office vacant and require financial restitution.

Guidelines

1. It is expected that if a Trustee has any conflict of interest in any matter, and is present at a meeting of the Board at which the matter is considered, the Trustee shall:
 - 1.1. disclose their interest and the general nature of the conflict of interest at the meeting;
 - 1.2. not take part in the discussion of or vote on any question in respect of the matter.
 - 1.3. not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.
 - 1.4. If the meeting is not open to the public the Trustee shall immediately leave the meeting or the part of the meeting during which the matter is under consideration.

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2. The general nature of every disclosure made at a board or committee meeting open to the public will be recorded in the minutes of the meeting. If the meeting was closed to the public, the fact that a disclosure was made, but not the general nature of the interest, shall be recorded in the minutes of the next open meeting.
3. As there are many individual considerations and variations when considering issues of conflict of interest, individual Trustees or Boards of Education may wish to seek external legal advice on such matters. In many situations, the individual circumstances must be considered before a determination of conflict can be made.