

POLICY 1.23 CONFLICT OF INTEREST

A trustee is expected and always required to act in the best interest of the district, without regard to their personal interest. Trustees have an obligation to avoid conflicts of interest, to enable them to remain in a position to provide an unbiased and objective 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 conflicts of interest arising because 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*.

A conflict of interest may also arise when there is a predetermination where the decision-maker has a "closed mind" and is unable to come to an issue willing to be influenced by facts or logic to make a decision. Suggestions of predetermination usually arise because of something that has been previously said or done.

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 the general nature of the conflict of interest – and not take part in the discussion, vote or not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter. 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.

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.

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.

As there are many individual considerations and variations when considering issues of conflict of interest, individual trustees or the Board may wish to seek external legal advice on such matters. In each situation, the individual circumstances should be considered before a determination of conflict can be made.