



Policy 1.32 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*. Trustees are responsible to make themselves aware of the requirements of the *School Act* that relate to direct and indirect pecuniary interests. Should a trustee knowingly contravene the requirements of the *School Act*, the courts may declare the trustee's office vacant and require financial restitution.

A conflict of interest by reason of predetermination arises 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. A predetermination conflict usually arises 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 an informed person to think that the trustee's judgment could be influenced by that interest leading to a reasonable apprehension of bias.

If a trustee has a conflict of interest in any matter and is present at a meeting of the Board at which the matter is considered, the trustee must:

- at the meeting, disclose their conflict of interest and the general nature of the interest;
- not take part in the discussion of, or vote on any question in respect of the matter; and
- 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, in addition to complying with these requirements the trustee shall immediately leave the meeting or the part of the meeting during which the matter is under consideration.

If the pecuniary interest of a trustee is not disclosed as required above by reason of the trustee's absence from the meeting, the trustee must disclose the interest and otherwise comply with the requirements at the first meeting of the Board attended by the trustee after the meeting referred to above.

A trustee's temporary absence or inability to vote due to a conflict of interest shall not affect the quorum of a meeting.

If a meeting is open to the public, every disclosure of a conflict of interest and the general nature of it must be recorded in the minutes of the meeting. If a meeting is not open to the public, the fact that a disclosure of a conflict of interest was made, but not the general nature of that interest, shall be reported to and recorded in the minutes of the next meeting that is open to the public.

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 many situations, the individual circumstances must be considered before a determination of conflict can be made.