



## **POLICY 131 TRUSTEE CONFLICT OF INTEREST**

The Board of Education of School District No. 27 (Cariboo-Chilcotin) recognizes that every trustee is legally and ethically bound to comply with conflict of interest requirements of the *School Act*, common law, and other applicable laws. This policy sets out expectations and processes to address conflict of interest. Trustees are expected to comply with the standards and expectations expressed in this policy and to generally exhibit these qualities and values within their daily activities as they relate to district business.

A trustee is a fiduciary, and is therefore subject to the highest duties of good faith and undivided loyalty to the Board; a trustee is required to act at all times in the best interests of the Board as a whole, without regard to his/her personal interests.

Trustees have an obligation to avoid conflicts of interest, so that they remain in a position to provide an unbiased, even-handed and disinterested consideration of matters that come before the Board.

A trustee must avoid personal conflicts of interest and must avoid using his/her position for personal benefit. Trustees have a shared public duty to carry out their responsibilities and advance the work of the Board in good faith and with reasonable skill and diligence.

The Board recognizes that conflicts can arise in many different ways, including direct or indirect pecuniary conflict of interest, conflict of interest arising by virtue of predetermination of a matter coming before the Board, and conflict of interest arising by virtue of a personal interest arising from the particular circumstances or relationships of individual trustees.

### Guidelines

These guidelines are intended to assist the Board in addressing issues which may arise with respect to trustee conflict of interest.

#### 1. Trustees

- 1.1. If a trustee has a personal interest in any matter and is present at a meeting of the Board at which the matter is considered, the trustee:
  - 1.1.1. Must at the meeting disclose the personal interest and the general nature of the personal interest;
  - 1.1.2. Must not take part in the discussion of or vote on any question in respect of the matter;

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- 1.1.3. If the meeting is not open to the public, must immediately leave the meeting or the part of the meeting during which the matter is under consideration; and,
  - 1.1.4. Must not attempt in any way, whether before, during or after the meeting, to influence voting on any question in respect of the matter.
  - 1.2. If the personal interest of a trustee is not disclosed as required by Section 1.1 by reason of the trustee's absence from the meeting, the trustee must disclose the personal interest and otherwise comply with the requirements set out above at the first meeting of the Board attended by the trustee after the meeting referred to in Section 1.
  - 1.3. If a trustee identifies the potential for another trustee to have a conflict of interest, the trustee who identified the potential conflict of interest may contact the subject trustee directly regarding the matter or notify the Board Chair so that the Board Chair may promptly address the matter with the subject trustee.
  - 1.4. Trustees may seek advice from the Secretary Treasurer and/or the Superintendent regarding the potential for conflict of interest.
  - 1.5. If a Board Officer identifies the potential for a trustee to have a conflict of interest, the Board Officer will notify the Board Chair so that the Board Chair may promptly address the matter with the subject trustee.
  - 1.6. Where a personal interest of a trustee has been identified that is different from the interest of the public at large, and the trustee does not consider the interest to be a conflict, the trustee will endeavor to notify the Board Chair of the trustee's position in advance of the meeting. During the meeting, the subject trustee will provide a statement as to why the interest should not be considered a conflict.
  - 1.7. The Board may, by resolution, seek legal advice as to whether the trustee is in conflict of interest. The Board has the option of deferring consideration of an agenda item until a legal opinion regarding a potential conflict of interest has been obtained.
  - 1.8. Where the Board believes that a trustee has a conflict of interest, the Board may pursue any and all lawful remedies available to it, as is deemed necessary to protect the integrity of the Board's decision-making process.
2. The general nature of every conflict of interest disclosure made at a board or committee meeting open to the public shall 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. Nothing in this Policy or Guidelines will preclude a trustee from obtaining independent legal advice. Any costs associated with this advice will be at the personal expense of the trustee.

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4. Nothing in this Policy or Guidelines will preclude the Superintendent or Secretary Treasurer from obtaining external professional advice, including a legal opinion, at any time regarding a conflict of interest or a potential conflict of interest.