

TRUSTEE CONFLICT OF INTEREST

A trustee must act in the best interest of the school district, without regard to any personal interest. They must never use their position for personal benefit.

A conflict of interest occurs when a trustee's financial or personal circumstances may directly or indirectly affect, or have the perception of affecting, their judgment in exercising their responsibilities as a trustee. Three types of conflict include:

- A pecuniary conflict of interest, when a matter could monetarily affect the trustee. This includes an indirect pecuniary interest, as referred to in the *School Act*.
- Predetermination on a matter, when there is no willingness to be influenced when making a decision. Suggestions of predetermination arise when comments have been made that suggest a matter is decided prior to considering all relevant views and information.
- A personal interest in a matter, where a trustee is ineligible to vote. These situations arise when a reasonably well-informed person might conclude that, more likely than not, a trustee would unconsciously or consciously decide the issue unfairly. This is described as a reasonable apprehension of bias, in accordance with common law.

Trustees must avoid actual and/or perceived conflicts of interest and by doing so, they remain able to provide an unbiased and objective consideration of all matters coming before the Board. Further, trustees must be vigilant in avoiding any discussion and being privy to any information that could lead to a conflict of interest.

When a trustee has a conflict of interest in a matter before the Board:

- The trustee must disclose that interest and the general nature of the conflict of interest.
- The trustee must not take part in the discussion, nor vote, nor attempt in any way before, during or after the meeting, to influence the voting on any question in respect of the matter.
- The trustee must not discuss the matter outside the meeting or exert influence on the decision.
- 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.
- A trustee's conflict of interest might not be disclosed at a Board meeting due to the trustee not being in attendance. In that event, the trustee must disclose the conflict of interest at the next Board meeting they attend.

Policy 1.25

A trustee may seek guidance from the Board Chair, Secretary Treasurer and/or the Superintendent regarding the potential for a conflict of interest.

If a trustee, Superintendent or Secretary Treasurer identifies the potential for a trustee to have a conflict of interest, they will notify the Board Chair or Vice Chair so that the matter can be promptly addressed.

As there are many individual considerations and variations when considering issues of conflict of interest, 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.

Legal References: *School Act* Section 55 - 64
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