

POLICY 135 TRUSTEE CONFLICT OF INTEREST

The Board of Education of School District No. 83 (Kwátsalktnéws ne Secwepemcúl'ecw) recognizes that every trustee is legally and ethically bound to comply with conflict of interest requirements of the *School Act*, Board of Education policy, common law, and other applicable laws.

A trustee is subject to the highest standard 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 their personal interests. A trustee must avoid personal conflicts of interest and must avoid using their position for personal benefit.

The *School Act* includes a special part on trustees' conflict of interest, and all trustees should be familiar with its content. It applies to trustees who have contracts or interests in contracts with the Board of Education, including trustees with immediate family members employed by the Board, when matters affecting those contracts come before the Board for debate and for decision.

Part 5 of the *School Act* requires a trustee who has such an interest in a matter before the Board to declare that interest – and to not take part in the discussion, vote or attempt in any way to influence the outcome. Further, the declared interest must be recorded in the Board meeting minutes. Should a trustee knowingly not declare an interest, the courts may declare the trustee's office vacant and require financial restitution.

PECUNIARY INTEREST

A pecuniary interest means a trustee with an interest in a matter that could monetarily affect the trustee. Included is a deemed pecuniary interest, where the trustee knows that their spouse, parent or child has a pecuniary interest in the matter. Also included is an indirect pecuniary interest where the trustee is a shareholder, officer or employee of a firm with a pecuniary interest in the matter.

DUTY TO DISCLOSE

A trustee with a pecuniary interest in a matter, including a deemed interest or an indirect interest, and who is present at a board meeting at which the matter is considered, must:

- a) Disclose the general nature of the interest at the meeting;
- b) Refrain from any discussion or vote on the matter; and,
- c) Abstain from any attempts to influence any vote relating to the matter before, during or after the meeting.

These requirements also apply to committee meetings. And, should the committee or board meeting not be open to the public, the trustee shall "immediately leave the meeting or the part of the meeting during which the matter is under consideration".

If the trustee is absent from the meeting at which the matter is considered, they shall disclose the interest at the next board meeting that they attend, and shall otherwise comply with b) and c) above.

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The duty to disclose does not apply, however, where the pecuniary interest is of a general or widespread nature (member of a credit union, for example), or where the pecuniary interest “is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the trustee”

ESTABLISHING A RECORD OF DISCLOSURE

The general nature of every 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.

GETTING MORE INFORMATION OR ADVICE

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.

Related Legislation: School Act [RSBC 1996, Part 5, Sections 55-64]

Related Contract Article: Nil

Adopted: July 11, 2018

Amended: February 17, 2026, May 21, 2019