

LL#1575801

### **Board Member Conflict of Interest**

Board members of the St. James-Assiniboia School Division Board of Trustees shall familiarize themselves with the conflict of interest provisions of The Public Schools Act, its related regulations and any guidelines approved by the Board including those set out herein, and be responsible to fulfil any obligations therein.

Board members will not use their position as a Board member for personal or partisan gain or to benefit any person or entity over the interest of the Division and its students.

#### **Pecuniary Interest**

The provisions of Sections 37, 38 and 39 of The Public Schools Act shall govern the fiduciary responsibilities of the Board.

In carrying out his or her fiduciary duties, a Board member will not:

1. Disclose or use confidential information acquired in the course of his or her official duties to further substantially his or her personal financial interests;
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in his or her position or which he or she know or should know is primarily for the purpose of rewarding his or her for official action taken;
3. Engage in a substantial financial transaction for his or her private business purposes with a person whom he or she supervises in the course of official duties;
4. Perform an official act which directly and substantially confers an economic benefit on a business or other undertaking in which he or she has a substantial financial interest, or in which he or she is engaged as a counsel, consultant, representative, or agent.

The phrase “economic benefit tantamount to a gift of substantial value” (\$250.00 or more) includes a loan at a rate of interest substantially lower than the

ADOPTED	REVIEWED	REVISED	PAGE
11-May-21		1/Oct/24	1 of 4
Motion 10-08-21		Motion 09-17-24	

prevailing commercial rate and compensation received for private services rendered at a rate substantially exceeding the fair market value.

It is permissible for a Board member to receive:

1. An occasional non-pecuniary gift which is insignificant in value;
2. Non-pecuniary award publicly presented by a non-profit organization in recognition of public service;
3. Payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which he or she is scheduled to participate;
4. Reimbursement for or acceptance of any opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of his or her position;
5. Items of perishable or non-permanent value, less than \$250.00 including but not limited to meals, lodging, travel, expenses, or tickets to sporting, recreational, educational or cultural events;
6. Payment for speeches, debates, or other public events reported as honorariums.

### **Conflict of Interest Matters Real or Perceived**

The Board expects its members not only to adhere to all laws regarding conflict of interest but also to be alert to situations that have the appearance of conflict of interest and to avoid actions that might be detrimental to themselves or to other members of the Board.

#### Relationship Bias

It is recognized that Trustees elected to serve the St. James-Assiniboia School Division are often involved with and have connections through community activities outside their Board responsibilities. Further to that, Trustees may have immediate family, close associates and friends working for the Division.

Regardless, Trustees are expected to place the public interest first in carrying out their Board duties. Part of protecting the public interest involves avoiding or effectively resolving relationship bias situations where personal interests influence or may appear to influence, the performance of their duties and responsibilities.

A Trustee must openly disclose a real or perceived relationship bias as soon as the issue arises and before the Board or its committees deal with the matter.

ADOPTED	REVIEWED	REVISED	PAGE
11-May-21		1/Oct/24	2 of 4
Motion 10-08-21		Motion 09-17-24	

Where uncertain about whether or not the issue constitutes a relationship bias, the Trustee may consult with the Board Chair for advice and guidance.

Where any Trustee is aware of a real or perceived conflict of interest not declared by any other Trustee, he/she has a responsibility to raise the issue for clarification with the individual, and if unresolved, then with the Board. Full disclosure does not remove or eliminate a relationship bias.

#### 'Parent-Trustee'

It is important in this scenario for a parent-Trustee to separate their governance role as a Trustee from their role as a parent.

The Trustee's governance role is to act in the interests of the entire student body so the parent-Trustee should avoid in their decision making, referring to their child, or to anecdotal evidence based only on their child's, or a friend's experience.

In most cases, it will not be necessary to declare a personal interest in Board matters that may impact the parent-Trustee's child. However, the parent- Trustee should do so if:

- a) The matter would affect their child individually (e.g. an appeal to the Board for a suspension regarding inappropriate behavior);
- b) The Trustee feels too close to the matter to be impartial.

#### **Decision-Making Process**

Where relationship bias is in question, the Board by vote shall make a final determination.

The Trustee so affected may be present and participate during the discussion of the issue but will not vote upon it. The Trustee shall not attempt to intimidate fellow Trustees with regard to the vote.

If a relationship bias is declared a Trustee will recuse themselves from any voting related to the matter. The recusal shall be recorded in the meeting minutes.

#### **School Board Member Conduct**

A Trustee who fails to declare a conflict of interest and/or fails to excuse him/herself from the related discussion and action on an issue is in breach of the

ADOPTED	REVIEWED	REVISED	PAGE
11-May-21		1/Oct/24	3 of 4
Motion 10-08-21		Motion 09-17-24	

Statement of Integrity set out in the Board's Organizational By-Law. The process for addressing a breach of the Statement of Integrity is set out in policy BC

**Trustee Code of Conduct.**

If the Trustee is found to have violated The Public Schools Act, pursuant to a court order, he or she is disqualified from holding office and his/her seat becomes vacant.

ADOPTED	REVIEWED	REVISED	PAGE
11-May-21		1/Oct/24	4 of 4
Motion 10-08-21		Motion 09-17-24	