

 **SWAN VALLEY SCHOOL DIVISION**

## **4. Trustee Conflict of Interest**

### **Preamble**

The holding of public office is a trust created by the confidence the public places in its School Trustees elected in a free and fair election by community electors. To preserve this confidence, it is the desire of the Board to operate under the highest ethical standards in accordance with the Public Schools Act.

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

- Disclose or use confidential information acquired in the course of their official duties to further their personal or professional financial interests, directly or indirectly;
- Disclose or use confidential information acquired in the course of their official duties to further a family member, business partner, or a close personal associate's personal or professional financial interests, directly or indirectly;
- 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 their position or which they know or should know is primarily for the purpose of rewarding them for official action taken;
- Engage in substantial financial transaction for their private business purposes with a person whom they supervise in the course of official duties;
- Perform an official act which directly and substantially confers an economic benefit on a business or other undertaking in which they have a substantial financial interest, or in which they are engaged in as a counsel, consultant, representative, or agent;
- Use their position to the disadvantage or detriment of a third party with malicious intent;
- Engage in circumstances that compromise, or appear to compromise, the ability of Board Members or staff to make unbiased decisions;
- Be involved in the contracting, employment, supervision, grievance, evaluation, promotion, remuneration, or firing of a family member, business associate, or personal friend.

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 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:

- An occasional non-pecuniary gift which is insignificant in value;
- Non-pecuniary award publicly presented by a nonprofit organization in recognition of public service;
- Payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which they are scheduled to participate;

# SWAN VALLEY SCHOOL DIVISION

- Reimbursement for or acceptance of any opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of their position;
- Items of perishable or nonpermanent value, less than \$250.00 including but not limited to meals, lodging, travel, expenses, or tickets to sporting, recreational, educational or cultural events;
- Payment for speeches, debates, or other public events reported as honorariums.

## **Managing Conflict of Interest**

Even with the best policies and practices, conflict of interest issues will arise and need to be managed. Below are some principles and procedures for managing conflicts of interests:

- Board Members should disclose conflicts of interests early and often;
- In cases where a Board Member may not perceive that a conflict of interest exists, it is the responsibility of other Board Members who are aware of a real, potential, or perceived conflict of interest on the part of a fellow Board Member to raise the issue;
- If the Board is contemplating a financial transaction with a Board Member, the process should be conducted through a fair and open process in which Board Members who have no personal or business interests in the matter make the final decision about awarding contracts;
- Swan Valley School Division will report annually on our website all conflict of interest disclosures and dispositions in relation to any financial transactions.

## **Trustee Confidentiality Agreement**

Trustees may have access to information and personal health information about others, including students, the confidentiality and protection of which is governed by the Freedom of Information and Protection of Privacy Act (FIPPA) and the Personal Health Information Act (PHIA) or any other applicable acts. All Trustees are required to read and sign the Confidentiality Agreement acknowledging their responsibility in this area.

The Trustee Confidentiality Agreement will be completed and submitted to the Secretary-Treasurer, or designate, at the time of the inaugural meeting of each new Board or in the event of a by-election for a newly elected trustee.

## **In the event of a possible breach of the Trustee Conflict of Interest:**

In the event of a possible breach of the Trustee Conflict of Interest policy, the Board will follow the guidelines set for the breach of the Trustee Code of Conduct Policy #6. The guidelines are as follows:

### At the Board Table:

Any Trustee perceiving another Trustee to be in possible breach of the Trustee Code of Conduct shall have the right to move that the Board resolve itself into Committee of the

# SWAN VALLEY SCHOOL DIVISION

Whole on a point of privilege, during which the Trustee shall raise the perceived breach with the full Board for consideration.

## On Other Occasions:

Any Trustee perceiving another Trustee to be in possible breach of the Trustee Code of Conduct may raise the concern with that member or with the Board Chair or Vice-Chair with the intent of resolving the concern. Failing resolution the perceived breach shall be presented to the full Board for consideration at a Committee of the Whole Meeting.

## Response to Breach of the Trustee Code of Conduct:

Where the Board determines that a breach of the Trustee Code of Conduct has occurred, the Board shall respond by taking a course of action that it deems to be appropriate. Such actions may include but are not limited to the following:

- Censuring the Trustee, including in cases of repeated or severe breaches, requesting the Trustee's resignation;
- Barring the Trustee from attending all or part of a meeting of the School Board or a Committee of the School Board;
- Suspending the Trustee from the School Board, including suspending all the Trustee's rights, duties, privileges and indemnities as a member of the School Board, for up to three months.

**Please refer to Appendix B: Conflict of Interest: A Guide for Manitoba School Trustees.**