



## **BOARD MEMBER – CONFLICT OF INTEREST**

Conflict of interest occurs when a personal matter or interest clashes with a public duty or responsibility. For a School Trustee, conflict of interest occurs when a Trustee participates in, or the dependent of a School Trustee influences, decisions of the Board of Trustees which result in a direct or indirect pecuniary gain for that Trustee or the dependent of that Trustee. A dependent of a Trustee is defined as the spouse of a Trustee, or, the person represented as the spouse, and any children residing with the Trustee. An exception is permitted when the benefit to the Trustee or dependent is identical to that received by any other ordinary citizen, such as through reduced taxes or increased services.

In all cases, the benefit must exceed that received by an ordinary citizen and be over the value of \$500.00 in order to be considered significant.

A Trustee or dependent has no conflict of interest when the contract entered into by the Board is on terms common to other contracts. This allows the spouse or dependent to be employed by a school division on the same terms as others, including employment as a Teacher, or in another employee group employed according to the Collective Agreement or Conditions of Employment. This would not include the dependent of a person who negotiates a separate employment agreement. A Trustee can enter into an agreement to supply services or materials to the Board under an agreement common to all others and not be in conflict. As well, in an emergency, a Trustee can receive reasonable compensation for work or services.

The Board, however, desires its Trustees not only to adhere to all laws regarding conflict of interest, as summarized above, but to be alert to situations which have the appearance of a conflict of interest and to avoid actions that might embarrass themselves or the Board.

Two areas of Board operations must be guarded with particular care in order that there be no real or seeming conflict of interest. These are purchasing and hiring/evaluation of personnel. Therefore:

- No member of the Board will have any direct pecuniary interest in a contract with the School Division, nor furnish directly any labour, equipment, or supplies to the Division;
- Trustees are expected to excuse themselves from areas of conflict of interest, or having the appearance of a conflict of interest.

The Secretary-Treasurer keeps a record of all disclosures, as per BBF-E1, and this record is available to the public during office hours. [PSA 39(4)]

### **Statement of Assets and Interests**

Prior to taking the oath or affirmation of office, every Trustee of a school division shall file with the Secretary-Treasurer a statement disclosing assets or pecuniary interests in property, in accordance with PSA 39.3(4). These statements are confidential, are not available to the public, and are kept by the Secretary-Treasurer in a secure place. (See BBF-E2) [PSA 39.3(7)]

Trustees are presumed not to have a direct or indirect pecuniary interest in any matter involving the indemnity, expenses or remuneration payable to Trustees.



A Trustee who violates any provision of the Public Schools Act legislation on conflict of interest shall ipso facto, vacate his/her seat and the remaining Trustees shall forthwith declare the seat vacant and order an election to fill the vacancy in accordance with PSA 26(1).

All Trustees should ensure that they obtain or are provided with, a copy of the guidelines entitled **Conflict of Interest – Full Disclosure, A Guide for Manitoba Trustees**, published by Manitoba Education and available from the Administration and Professional Certification Branch.

(See PSA Sec. 36-39 for complete legislation)