



**BOARD OF EDUCATION OF
SCHOOL DISTRICT NO. 46 (SUNSHINE COAST)**

POLICY COMMITTEE

AGENDA

Tuesday, May 24, 2016 from 10:30-12:00 p.m.
School Board Office – Gibsons, BC

1. Policy 1 – Foundational Statements
2. Policy 19 – Local Purchasing
3. New Policy – Conflict of Interest

1 FOUNDATIONAL STATEMENTS

- 1.1 Our **Vision** is a community engaged in lifelong learning and educational excellence.
- 1.2 Our **Mission** is to enable and inspire our students to realize their full potentials, as knowledgeable, confident and contributing citizens in a global community.

1.3 Our Values:

(i) Ethics

By placing ethics in high regard and through transparency, we ensure an environment of mutual trust and respect.

(ii) Inclusion

By engaging all learners and staff, we strive for a diverse, dynamic community that is welcoming and inclusive to everyone.

(iii) Collaboration And Equity

By working together in cooperation and equitable access, we create meaningful connection and a sense of belonging.

(iv) Innovation

By encouraging creativity, risk-taking and pride in personal and collective achievement, we aspire to excellence.

(v) Respect and Responsibility

Through clear communication and mutual respect, we believe that issues of environmental sustainability, social and fiscal responsibility can be addressed to support aware citizens and a healthy future for our local and global community.

(vi) Celebration

By celebrating the contributions of students, staff and community members, we create unity and bring joy to our work together.

~~1.3 Values Statement:~~

~~(i) Engaged, Lifelong Learning for a Diverse, Creative Community~~

~~We believe in a dynamic invigorating and safe educational environment that engages learners educationally, intellectually, physically, socially and emotionally. We support and enhance the Sunshine Coast's identity as a centre for innovation, creativity, critical thinking, environmental awareness, and participation in community, volunteerism and the arts. Families and communities play a key role in the education of children, and it is vital that our~~

public schools are welcoming, inclusive centres for family involvement and lifelong learning. We are excited about the opportunities and choices our students will have in the global community—as responsible, informed, skilled and compassionate citizens. We feel honoured to operate on the traditional territories of the Sechelt and Squamish Nations, to welcome their cultures into our schools, and to work together for our students' educational needs and values.

(ii) Accessibility, Safety and Equity of Opportunity

Public education on the Sunshine Coast is an authentic reflection of our unique local communities—yet also reaches far beyond. No schools on the Sunshine Coast offers the exposure to opportunities and genuine diversity that we do. We ensure that every student has the support, resources, options and teaching in order to realize and reach his or her full potential. The cultural diversity of our students, staff and communities is an asset to be treasured and respected in our schools.

(iii) Health, Social Responsibility and Environmental Sustainability

It is essential that our students and employees are safe, healthy and comfortable in their working environments. Emotional and physical health must be free from bullying and discrimination, and enriched through physical activities, extra-curricular opportunities, positive social interactions and community connections. Environmental sustainability is key to both responsible citizenship and a healthy future, and we play a fundamental role in advancing it through education, from our schools on out to our local and global communities.

(iv) Transparency, Accountability and Fiscal Responsibility

Clear, respectful and reciprocal communications are central to public education, from student expectations through to board expectations. The best way to achieve accountability is by the community being aware of and openly engaged in decisions, budgets, challenges and other aspects of public education governance. We take the responsibility for public education—and the public's trust—very seriously, as a significant tax investment, and a far greater societal investment. Programs and services must be delivered as efficiently and effectively as possible.

(v) Honesty, Trust, Respect and Recognition

Co-operation holds our local public education system together. For a function as imperative and sensitive as the education of our children, we place strong ethics in high regard. Especially in a small “community of communities,” it is critical that we foster and maintain an atmosphere of mutual trust and respect. The contributions and achievements of students, employees, parents and other community members are to be recognized, celebrated, and cherished.

Submitted by: Betty Baxter, Board Chair
Policy Committee - May 24, 2016

PREAMBLE

In 2009 the Board of Education for School District 46 (Sunshine Coast) underwent an external review to ensure its organizational structure best supports student success. The review recommended a new, cohesive governance model that would reflect the Sunshine Coast community going into the future. In response, the board restructured its policies around clear roles for the board and administration, clear delegation of responsibilities to administration, and strong, community-based vision, mission, values and strategic planning set by the elected Board. [The Board reviewed the policy manual in 2015/16 to update and align policies with the 2015/2019 Strategic Plan.](#)

In support of considered, ethical and strategic stewardship of all aspects of School District 46, the Board is ultimately responsible for all district policy, which is divided into three areas:

- *Governance policies* are general in nature and are set by the Board of Trustees to articulate and define important objectives, principles or values; and to define roles, responsibilities and authority.
- *Bylaws* are passed by the Board of Trustees to clearly set out the specific rules, not covered by legislation, by which the Board will be governed. Bylaws are also legally required for budgets, capital projects, disposal of lands and school closures, but these specific bylaws are not presented as part of district policy.
- *Administrative regulations* are operational in nature and allow for consistent and effective operations in an organization or a department. The Board delegates administrative regulations to the Superintendent of Schools to develop in a transparent process that includes community input.

School Act Part 5: conflict of interest

One of the more important parts of the *School Act* for trustees is Part 5, which describes the law regarding conflict of interest. Concerns about conflict of interest are often grounded in perceptions about relationships and the use or misuse of information.

You are in a conflict of interest if a board decision could result in a potential financial or material impact on you or someone you're associated with. Boards and individuals need to be vigilant in avoiding active engagement in discussion, debate, decision-making or even being privy to information that can give rise to actual - or even perceived - conflict of interest.

A board should have documented policy to guide trustees and officials in instances where conflict of interest could arise. The board chair and secretary treasurer are responsible for advising trustees or officials when they are in a potential conflict position.

The onus primarily rests on the individual to remove him or herself from the conflict. Once individuals recognize their potential conflict, they should remove themselves from involvement in the matter, following the procedure set out in the *School Act*. Such conflicts could include a trustee who belongs to a union local that's affiliated with a union engaged in bargaining with the district, or a trustee who has a spousal relationship with an employee. In such instances, privileged access to information raises concerns, even if the trustee does not participate in debate and refrains from voting. Matters such as land transactions involving potential gain are clearer, where being privy to information is similarly sensitive.

If you have a conflict of interest in a matter that is coming before a meeting of the board, you should let the board chair know. When the item comes up, you must declare the nature of the conflict. If you are in a closed session (*in camera*) meeting, you must leave. If the issue comes up in a public meeting, you must not participate in the discussion or vote. Your declaration and withdrawal will be recorded in the minutes. You must not try to influence the vote.

In smaller communities, it may be more difficult to avoid situations and relationships that could give rise to perceptions of conflict. It may be wise to protect yourself from a potential accusation by withdrawing from certain committees and activities.

Conflicts of interest can also be an issue for board officials and staff members, and undisclosed conflicts can breach terms of employment.

SCHOOL ACT

Removal of trustee following conviction for offence

53 (1) A trustee ceases to hold office on the 30th day following the date of any of the following:

- (a) the trustee's conviction for an indictable offence;
- (b) the trustee's conviction for an offence under section 163 (2);
- (c) a decision of the Supreme Court, on the application of an elector of the school district, that the conviction of the trustee for any other offence renders the trustee unsuitable to perform the duties of a trustee.

(2) On the application of a trustee referred to in subsection (1), the Supreme Court may, by order, suspend the operation of that subsection for a period and on the terms the court considers appropriate.

Questions as to trustee qualifications

54 (1) Subject to Part 5 and subsection (2), the right of a trustee to hold office may be determined on application to the Supreme Court and, for this purpose, section 111 [*application to court for declaration of disqualification*] of the *Community Charter* applies.

(2) The office of a person declared disqualified on an application under subsection (1) must remain vacant if the decision is appealed and no election to fill the office may be held until the final determination of the matter or until the next general school election, whichever is earlier.

(3) As an exception to subsection (2), if fewer than 3 trustees remain in office, section 36 (5) applies to require that the vacant office be filled by election or appointment and section 112 (3) [*status of person subject to application*] of the *Community Charter* applies to the person elected or appointed to the vacant office and to the person declared qualified.

(4) A bylaw, resolution, contract or other proceeding of a board must not be set aside or declared invalid merely because

- (a) a person sitting or voting as a member of the board was not qualified as a trustee at or before the time of the proceeding,
- (b) a trustee renounces claim to office on a board,
- (c) a trustee election was set aside or declared invalid after the proceeding, or
- (d) the election of a trustee was set aside or declared invalid after the proceeding.

[1998-34-305 effective Sept. 23/98, BC Reg. 311/98; 2000-7-191 effective June 12/00; 2003-52-485 effective January 1, 2004]

PART 5 — CONFLICT OF INTEREST

Definitions

55 (1) In this Part:

"child" includes a person whom the trustee has demonstrated a settled intention to treat as a member of his or her family;

"controlling interest" means

SCHOOL ACT

- (a) an interest that a trustee must disclose under section 5 (1) of the *Financial Disclosure Act*, or
- (b) an interest in shares in a corporation carrying more than 10% of the votes for the election of the directors of the corporation, other than an interest by way of security only;

"court" means the Supreme Court;

"meeting" includes a meeting of a committee of trustees;

"pecuniary interest" means, with respect to a trustee, an interest in a matter that could monetarily affect the trustee and includes an indirect pecuniary interest referred to in section 56;

"parent" includes a person whom the trustee has demonstrated a settled intention to treat as a member of his or her family;

"senior officer" means a senior officer as defined in the *Business Corporations Act*;

"spouse" subject to subsection (2), means a person who

- (a) is married to a trustee, or
- (b) is living with a trustee in a marriage-like relationship, and has lived as such for a continuous period of at least 2 years.

- (2) A person is not a spouse for the purposes of this Part if
 - (a) the person is separated and living apart from the trustee, and
 - (b) the person and the trustee
 - (i) have entered into a written agreement under which they have agreed to live apart, or
 - (ii) are subject to an order of the court recognizing the separation.

[2003-70-246, effective Mar. 29/04; am 2011-16-442, effective Nov 24/11]

Indirect pecuniary interest

56 For the purposes of this Part, a trustee has an indirect pecuniary interest in any matter in which the board is concerned if

- (a) the trustee or the trustee's nominee
 - (i) is a shareholder in or a director or senior officer of a corporation that does not offer its securities to the public, or
 - (ii) has a controlling interest in or is a director or senior officer of a corporation that offers its securities to the public,

and the corporation has a pecuniary interest in the matter, or

- (b) the trustee is a partner of a person, is a member of a firm or is in the employment of a person or firm that has a pecuniary interest in the matter.

[2007-20-12, effective July 1/07, BC Reg 229/07]

Deemed pecuniary interest

57 For the purposes of this Part, the pecuniary interest of a spouse or of a parent or child of the trustee is, if known to the trustee, deemed to be also the pecuniary interest of the trustee.

Duty of trustee

58 (1) If a trustee has any pecuniary interest in any matter and is present at a meeting of the board at which the matter is considered, the trustee

SCHOOL ACT

- (a) must at the meeting disclose his or her pecuniary interest and the general nature of the pecuniary interest,
- (b) must not take part in the discussion of or vote on any question in respect of the matter, and
- (c) must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.

(2) If the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection the trustee must immediately leave the meeting or the part of the meeting during which the matter is under consideration.

(3) If the pecuniary interest of a trustee is not disclosed as required by subsection (1) by reason of the trustee's absence from the meeting, the trustee must disclose the pecuniary interest and otherwise comply with the requirements of that subsection at the first meeting of the board attended by the trustee after the meeting referred to in that subsection.

Exceptions

59 Section 58 does not apply to a pecuniary interest in any matter that a trustee may have

- (a) by reason of the trustee having a pecuniary interest in the matter which is a pecuniary interest in common with electors generally,
- (b) by reason of the trustee being entitled to receive any indemnity, expenses or remuneration payable to one or more trustees in respect of the matter,
- (c) by reason only that the trustee is a member of an association incorporated under the *Cooperative Association Act* or a credit union having dealings or contracts in respect of the matter with the board of the school district of which he or she is a trustee, or
- (d) by reason only of a pecuniary interest of the trustee that is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the trustee.

[2004-48-137, effective Dec 31/04]

Record of disclosure

60 (1) If a meeting is open to the public, every disclosure of pecuniary interest and the general nature of it made under section 58 must be recorded in the minutes of the meeting.

(2) If a meeting is not open to the public, the fact that a disclosure of pecuniary interest was made under section 58, but not the general nature of that interest, must be recorded in the minutes of the next meeting that is open to the public.

Remedy for lack of quorum

61 (1) When the number of trustees who, because of this Part, are disqualified from participating in a meeting is such that at that meeting the remaining trustees are not of sufficient number to constitute a quorum, the board may apply to the court without notice to any person for an order authorizing the board to give consideration to, discuss and vote on the matter out of which the pecuniary interest arises.

SCHOOL ACT

(2) The court, on application under subsection (1) and after giving any direction as to service considered appropriate, may declare that section 58 does not apply to the board in respect of the matter in relation to which the application is brought, and the board may then give consideration to, discuss and vote on the matter in the same manner as though none of the trustees had any pecuniary interest in the matter, subject only to the conditions and directions that the judge may consider appropriate and so order.

Application to court

62 (1) Subject to subsection (3) an elector may, within 6 weeks after the fact comes to the elector's knowledge that a trustee may have contravened section 58, apply to the court for a determination of the question of whether the trustee has contravened section 58.

(2) The elector in the application must state the grounds for alleging a contravention of section 58 by the trustee.

(3) No application may be brought under subsection (1) after the expiration of 4 years from the time at which the contravention is alleged to have occurred.

Remedy

63 (1) Subject to subsection (2), if the court determines that a person, while holding the office of trustee, has knowingly contravened section 58, the court

- (a) must, in the case of a person currently holding office as a trustee, declare the office of the trustee vacant, and
- (b) may, if the contravention has resulted in financial gain, require the person to make restitution to the party suffering the loss or, if that party is not readily ascertainable, to the board of which the person is a trustee or former trustee.

(2) If the court determines that a person who is currently holding an office of trustee contravened section 58 and finds that the contravention was committed through inadvertence or because of an error in judgment made in good faith, the person is not subject to having his or her office declared vacant under subsection (1).

(3) An office declared vacant under subsection (1) must remain vacant if the decision is appealed, and no election to fill the office may be held until the final determination of the matter or until the next general school election, whichever is earlier.

Proceedings voidable

64 (1) The failure of any person to comply with the requirements of section 58 does not of itself invalidate any proceedings of the board, but the proceedings are voidable at the instance of the board before the expiration of 2 years from the date of the passing of the resolution or bylaw in respect of which the failure occurred.

(2) Subsection (1) applies unless to invalidate the proceedings would adversely affect the rights of another person who acquired those rights under or as a result of the proceedings and who acted in good faith and without actual notice of the failure to comply with section 58.



British Columbia
School Trustees
Association

May 15, 2014

Dear Trustees,

RE: Conflict of Interest Working Group Report

I am pleased to present you with the Conflict of Interest Working Group Report.

The Conflict of Interest Working Group was established in the Fall of 2013. The Group was charged with making recommendations to the BCSTA Board of Directors regarding conflict of interest rules that apply to those in BCSTA's bargaining structure as well as conflict of interest rules that are generally applicable to trustees.

The Working Group was chaired by Jane Kellett and included members from each Branch Association as well as members of the BC School Superintendents Association, and the BC Association of School Business Officials.

The report and its recommendations will be considered by the BCSTA Board of Directors during upcoming strategic planning sessions.

I would like to thank the Working Group for their work on this important project.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Rezansoff", is written over a light grey circular watermark.

Teresa Rezansoff
President
BCSTA

REPORT OF THE CONFLICT OF INTEREST WORKING GROUP

April 17, 2014

EXECUTIVE SUMMARY

The BCSTA Board of Directors established the Conflict of Interest Working Group to make recommendations to the BCSTA Board of Directors regarding conflict of interest rules that apply to those involved in BCSTA's bargaining structure as well as conflict of interest rules that are generally applicable to trustees.

Following consultation and extensive discussions, the Conflict of Interest Working Group makes the following recommendations:

1. Conflict of interest rules that would apply to those who participate in BCSTA's bargaining structure

- a) That BCSTA adopt conflict of interest rules for BCSTA entities involved in collective bargaining. The School Act conflict of interest rules would apply to anyone involved in collective bargaining.
- b) That BCSTA adopt a bylaw at a future AGM to address conflict of interest rules applicable to those who participate in BCSTA's bargaining structure. The following sample bylaw wording was developed by the Working Group:
 - i. "That no person with a direct or indirect pecuniary interest, within the meaning of the School Act in teacher or support staff collective bargaining, is eligible to be a member of a BCSTA committee that participates in teacher or support staff collective bargaining."
- c) Conflict of interest rules do not prevent trustees from being eligible to sit on the BCSTA Board of Directors. On a case-by-case basis, Directors may recuse themselves from discussions where conflict of interest may arise (with respect to bargaining or other matters).
- d) BCSTA Branch Associations could consider changing their constitutions and bylaws to include BCSTA conflict of interest rules for representatives participating on BCSTA bargaining committees which may be established in future to provide for branch representation.

2. BCSTA resources for Boards of Education regarding conflict of interest

That BCSTA provide the necessary resources and support to review existing BCSTA resources regarding trustee conflict of interest, and develop additional resources for Boards of Education regarding trustee conflict of interest.

3. Legislative changes that provincial government could make with respect to trustee conflict of interest

- a) Conflict of Interest Commissioner: That the Provincial Government work with BCSTA and Boards of Education to establish a conflict of interest commissioner or some other expeditious and inexpensive process for determining whether a trustee has a conflict of interest with respect to a particular situation.

- b) **Adult children:** Leave the School Act definition of "child" as is. Do not recommend amending the School Act conflict of interest provisions to exclude adult independent children from the definition of "child."

- c) **Eligibility of an employee of one school district to serve as a school trustee in a different school district:** If the BCSTA Board of Directors would like the Working Group to further pursue the issue of eligibility of an employee of one school district to serve as a school trustee in a different school district, the Working Group recommends that the Board of Directors expand the Working Group to include other partner groups and provide the Working Group with additional time and resources to conduct a more in-depth analysis of possible legislative change and the long-term implications of such changes. This expanded Working Group would go back to Boards of Education and engage in further discussion with Boards regarding possible legislative change.

PART I. BACKGROUND AND TIMELINE

1. During the Summer of 2013, the provincial government advised of its plan to introduce legislation in the Spring of 2014 that would change bargaining responsibilities and structures in the K-12 education sector.
2. On July 30, 2013, Minister Fassbender replaced the Board of BCPSEA with a public administrator, who then appointed a negotiator to begin bargaining with teachers and support staff.
3. BCSTA established an [Interim Bargaining Structure](#) intended to remain in place until recommendations for a long-term structure could be developed and implemented.
4. The Bargaining Structure Task Force was struck to consult with Boards of Education and make recommendations on a new, long-term bargaining structure given the government's plan to change bargaining responsibilities and structure.
5. On October 1, 2013, the Bargaining Structure Task Force issued its [report](#). The Task Force Report was considered and approved by the October 2013 Provincial Council.
6. In the Fall of 2013, BCSTA established the Conflict of Interest Working Group (the "Working Group"). The group was comprised of members of each of the eight BCSTA branches, BCASBO and BCSSA as well as the Board of Directors. Audrey Ackah, BCSTA Legal Counsel provided staff support. The Working Group was charged with making recommendations to the BCSTA Board of Directors regarding conflict of interest rules that apply to those involved in BCSTA's bargaining structure as well as conflict of interest rules that are generally applicable to trustees. See [terms of reference](#).
7. The Working Group commenced its work in October of 2013. The Working Group met on six occasions: in person in November 2013, December 2013, and February 2014 and via telephone conference in October 2013, January 2014, and April 2014.
8. The Working Group considered existing conflict of interest rules that apply to trustees with respect to collective bargaining, including:
 - a) existing conflict of interest rules set out in the School Act and BCPSEA's Constitution and Bylaws
 - b) common law bias
 - c) the rationale for having conflict of interest rules
9. The Working Group also considered approaches to conflict of interest in other jurisdictions, including:
 - a) trustee conflict of interest in other Canadian provinces;
 - b) MLA conflict of interest; and
 - c) Local government conflict of interest

10. The Working Group developed consultation questions for Boards of Education to consider regarding conflict of interest:
- a) Collective Bargaining: What questions surrounding trustee conflict of interest have arisen in your district with respect to collective bargaining?
 - b) General: What questions surrounding trustee conflict of interest have arisen in your district? (e.g. disposition of property, school closure)
 - c) Suggestions: Please provide your suggestions relating to trustee conflict of interest (e.g. how to improve current trustee conflict of interest rules/guidelines/resources)

Trustee members of the Working Group contacted Board chairs to discuss Board responses to these consultation questions. Representatives from BCSSA and BCASBO asked their associations to provide feedback regarding these consultation questions.

PART 2: CONSULTATION FEEDBACK

The Working Group is thankful to Boards of Education, BCSSA and BCASBO for providing feedback regarding the consultation questions. It considered the responses to the consultation questions and grouped the feedback into the following general categories/themes:

1. Labour relations

- a) Conflict of interest considerations regarding bargaining structure
 - Collective bargaining
 - Collective agreement administration

2. BCSTA bargaining structure

- a) Conflict of interest considerations regarding proposed bargaining structure and other BCSTA entities (e.g. AGM, Provincial Council, Board of Directors, committees)

3. BCPSEA

- a) Provisions of BCPSEA's Constitution and Bylaws regarding conflict of interest
- b) Advice from BCPSEA staff regarding conflict of interest

4. Legislation

- a) School Act provisions including:
 - School Act, Part 5 – Conflict of Interest
 - Should the definition of "child" exclude adult, independent children from the deemed pecuniary interest provisions of the School Act?
 - School Act, Section 34 – Disqualification of Board employees
 - Should the School Act preclude school district employees from holding office as trustees if employed by a BC school district?
 - School Trustee Oath of Office Regulation
 - Qualifications for office

5. Conflict of interest commissioner/mediator

6. Resources regarding conflict of interest to assist current trustees and individuals considering running for office

7. Board of Education policies/practices regarding conflict of interest

PART 3: RATIONALE FOR CONFLICT OF INTEREST RULES

The Working Group considered information about conflict of interest rules as well as the consultation feedback and identified the following principles/rationale for conflict of interest rules:

1. Transparency
2. Accountability
3. Clarity regarding roles
4. Credibility with the provincial government and the general public
5. Protecting the corporate Board of Education
6. Enabling a broad range of people to be eligible to run for office by providing a mechanism to address conflict issues as they arise
7. Consistency
8. Equity
9. Fairness

PART 4: RECOMMENDATIONS

1. Conflict of interest rules that would apply to those who participate in BCSTA's bargaining structure

The Working Group considered the October 1, 2013 Bargaining Structure Task Force Report as well as the consultation feedback and proposed the following recommendations regarding conflict of interest rules and BCSTA's bargaining structure.

Recommendations:

- a) That BCSTA adopt conflict of interest rules for BCSTA entities involved in collective bargaining. The School Act conflict of interest rules would apply to anyone involved in collective bargaining.
- b) That BCSTA adopt a bylaw at a future AGM to address conflict of interest rules applicable to those who participate in BCSTA's bargaining structure. The following sample bylaw wording was developed by the Working Group:
 - "That no person with a direct or indirect pecuniary interest, within the meaning of the School Act in teacher or support staff collective bargaining, is eligible to be a member of a BCSTA committee that participates in teacher or support staff collective bargaining."
- c) Conflict of interest rules do not prevent trustees from being eligible to sit on the BCSTA Board of Directors. On a case-by-case basis, Directors may recuse themselves from discussions where conflict of interest may arise (with respect to bargaining or other matters).
- d) BCSTA Branch Associations could consider changing their constitutions and bylaws to include BCSTA conflict of interest rules which may be established regarding branch representatives participating on BCSTA bargaining committees which may be established in future.

Background

The Conflict of Interest Working Group asked the Board of Directors to consider submitting the above-noted bylaw amendment to the 2014 AGM to address conflict of interest rules applicable to representatives on BCSTA's bargaining committees. The Conflict of Interest Working Group made this request as the Working Group expected to finalize its Report after the February 13, 2014 submission deadline for extraordinary motions for the 2014 BCSTA AGM.

The Board of Directors considered the Working Group's request during the Board's February 13, 2014 meeting. After reviewing and discussing proposed bylaw, it was felt that any by-law amendments should be made after receipt of the Working Group's final report. In the meantime, the Board directed BCSTA staff to update the terms of reference related to the Bargaining Advisory Committee so as to ensure "that no person with a direct or indirect pecuniary interest, within the meaning of the School Act in teacher or support staff collective bargaining, is eligible to be a member." The updated Terms of

Reference were approved by the Board of Directors at the April 2, 2014 Board of Directors meeting.

2. BCSTA resources for Boards of Education regarding conflict of interest

Feedback from members and partner associations indicated that members/partners would appreciate additional resources from BCSTA to assist Boards with conflict of interest issues that arise at the Board table.

Recommendation: That BCSTA provide the necessary resources and support to review existing BCSTA resources regarding trustee conflict of interest, and develop additional resources for Boards of Education regarding trustee conflict of interest.

Background

These resources and support regarding trustee conflict of interest may include the following:

- Professional development for trustees regarding conflict of interest
 - Education for new and existing trustees
 - Workshop for Board chairs regarding addressing conflict of interest with their Boards
 - Secretary Treasurers and Superintendents be included in the training
- An expert Boards may contact when conflict of interest issues arise
- General resources for Boards regarding conflict of interest
- A conflict of interest policy template (as per Auditor General's School District Board Governance Examinations recommendations: <https://www.bcauditor.com/pubs/2013/report2/school-district-board-governance-examinations>) that BCSTA can provide to Boards of Education setting out a best practice to follow.
- BCSTA communication reminding people informally about conflict of interest

3. Legislative changes that provincial government could make with respect to trustee conflict of interest

The feedback the Working Group received from Boards, BCASBO and BCSSA included proposals to ask the provincial government to change relevant legislation.

a) Conflict of Interest Commissioner

The Working Group considered the possibility of establishing a conflict of interest commissioner responsible for providing advice regarding trustee conflict of interest.

Recommendation: That the Provincial Government work with BCSTA and Boards of Education to establish a conflict of interest commissioner or some other expeditious and inexpensive process for determining whether a trustee has a conflict of interest with respect to a particular situation.

b) Adult children

The Working Group considered the option of amending the definition of "child" under Part 5 of the School Act to exclude adult children who are financially independent of the trustee and who do not contribute to the financial support of the trustee. A number of Boards identified this as an issue of concern. The Working Group had extensive discussions regarding the definition of "child" under Part 5 of the School Act

Recommendation: Leave the School Act definition of child as is. Do not recommend amending the School Act conflict of interest provisions to exclude adult independent children from the definition of "child".

c) Eligibility of an employee of one school district to serve as a school trustee in a different school district

The Working Group had in-depth discussions regarding the issue of the ability of an individual to simultaneously work as an employee of one school district and hold the position of school trustee on the Board of Education in another school district. A number of Boards identified this as an issue of concern. The Working Group was unable to reach consensus on whether or not to propose changing the School Act provisions regarding eligibility of employees for the office of trustee.

Recommendation: If the BCSTA Board of Directors would like the Working Group to further pursue the issue of eligibility of an employee of one school district to serve as school trustee in another school district, the Working Group recommends that the Board of Directors expand the Working Group to include other partner groups and provide the Working Group with additional time and resources to conduct a more in depth analysis of possible legislative change and the long-term implications of such changes. This expanded Working Group would go back to Boards of Education and engage in further discussion with Boards regarding possible legislative change.

WORKING GROUP MEMBERS

- Jane Kellett, BCSTA Board of Directors (Chair)
- Megan Dykeman, Fraser Valley Branch
- Franci Stratton, Metro Branch
- Michele Babchuk, VISTA Branch
- Moyra Baxter, Thompson Okanagan Branch
- Tanya Guenther, Northern Interior Branch
- Darrel Ganzert, Kootenay-Boundary Branch
- Sheryl Yaremco, North West Branch
- Lori Pratt, South Coast Branch
- Flavia Coughlan, BCASBO
- Tom Longridge, BCSSA
- Staff Support: Audrey Ackah, BCSTA Legal Counsel