

RSU #63

a. NEPN/NSBA Code:	BCB
b. Title:	Board Member Conflict of Interest
c. Author:	
d. Replaces Policy:	
e. Date Approved:	01/25/2021RSU #63
f. Date Previously Approved:	01/27/2014
g. Policy Expiration:	Review as Needed
h. Responsible for Review:	Board of Directors/Policy Committee
i. Date Reviewed:	01/13/2021 Policy Committee
j. References	30-A MRSA 2605; 20-A MRSA 1002 and 1004
k. Narrative:	

School board service is a matter of public trust. Board Members making decisions that affect the schools within our district have the duty to act in the interest of the common good and for the benefit of the people they represent. A true conflict of interest may arise when there is an incompatibility between a Board Member's personal interest and his/her responsibilities as an elected official in a matter proposed or pending before the Board.

Board Members have a legal and ethical responsibility to avoid not only actual conflicts of interest, but the appearance of conflict of interest as well. A Board member should do nothing to give the impression that his/her position or vote on an issue is influenced by anything other than a fair consideration of all sides of a question.

Board members will attempt to avoid the appearance of conflict of interest by disclosure and/or by abstention.

- I.** A Board member has a financial interest in a question or contract under consideration when he/she or a member of his/her immediate family may derive some financial or other material benefit or loss as a result of the Board action. The vote of the Board is voidable if a Board member has a financial interest and votes on that question or is involved in the discussion, negotiation, or award of a contract or other action in which he/she has a financial interest.

In order to prevent the vote on a question or contract from being voidable, a Board member who has a financial interest must:

- A.** Make full disclosure of his/her interest before any action is taken; and
- B.** Abstain from voting, from the negotiation or award of the contract and from otherwise attempting to influence the decision.

The Secretary of the Board will record in the minutes of the meeting the member's disclosure and abstention from taking part in the decision in which he/she has an interest.

- II.** It is not the intent of this policy to prevent the district from contracting with corporations or businesses because a Board member is an employee or owner of the firm. This policy

is designed to prevent placing Board members in a position where their interest in public schools and their interest in their places of employment (or other direct or indirect interest) might conflict, and to avoid appearances of conflict of interest even though such conflict may not exist.

To that end, a Board member may not, during the time he/she serves on the Board, and for one year after the member ceases to serve on the Board, be appointed to any civil office of profit or accept any employment position, which has been created, or the compensation of which has been increased, by the action of the Board of Directors during the time the member served on the Board.

III. For purposes of this policy, the following statutory definitions apply:

- A.** “Employee” means a person who receives monetary payment or benefits, no matter the amount paid or number of hours worked, for personal services performed for the school district.
- B.** “Volunteer” means a person who performs personal services for the district without monetary payments or benefits of any kind or amount.

IV. A Board of Directors member, or any member of his/her immediate family, will have no financial or other material benefit or be an employee in any contracted business with the district unless the following is observed:

- A.** The Board member and/or the immediate family member will be clearly identified as to their employment position and/or financial interest in any bid proposal submitted in response to publicly and properly advertised bid procedures,
- B.** The Board member makes full public disclosure of any and all interest or employment he/she or any immediate member of his/her family has in a submitted bid before any bids are opened,
- C.** Neither the Board member nor any member of his/her immediate family will participate in any preliminary presentation, on-going discussion, or selection process of the submitted bids.
- D.** The Board member will abstain from voting on the award of a contract involving any bid submitted in which he/she or any member of his/her immediate family has a financial or employment interest.

Failure to comply with these requirements will make any contract voidable where the Board member and/or an immediate member of his/her family have a pecuniary interest.

V. In the event a Board member is employed by a corporation or business, or has a secondary interest in a corporation or business, that furnishes goods or services to the schools, the member will declare his/her secondary interest and refrain from debating or voting upon the question of contracting with the company.

VI. A School Board member or his/her spouse may not be an employee in a public school

within the jurisdiction of the school board to which the member is elected.

- VII.** When a Board member participates in the selection, award or administration of a contract that is supported by a federal award, the Board member will also comply with the Board's policy DJH – Purchasing and Contracting: Procurement Staff Code of Conduct.
- VIII.** A School Board member or his/her spouse may not serve as a volunteer when that volunteer has primary responsibility for a curricular or extracurricular program or activity and reports to the Superintendent, Principal, Athletic Director, or other school administrator in a public school within the jurisdiction of the School Board to which the member is elected.

Volunteer activities of a Board member, or a member's spouse, other than in roles prohibited by this section, may be dictated by other policies developed and approved by the district's Board of Directors.

- IX.** Any questions by members of the public regarding a potential conflict of interest of a Board member regarding contracted business, employment, or volunteer status within the district should be reported in written form with the signature of the originator(s). That document will be submitted to the Superintendent with a copy to the Board Chairperson. The Superintendent will be responsible for investigating and reviewing the allegation and presenting his/her findings to the Board of Directors in Executive Session as soon as expeditiously possible. Unsigned documents submitted will not be accepted for investigation.