

TITLE: Board Member Conflict of Interest

CODE: B3
Mandatory

Policy

It is the ethical and legal duty of all School Board members to avoid conflicts of interest as well as the appearance of conflicts of interest.

Definitions

“Conflict of interest” means a situation when a board member’s private interests, as distinguished from the board member’s interest as a member of the general public, would benefit from or be harmed by his or her actions as a member of the board.

Implementation

In order to comply with the obligations thus imposed, the Board and its members will adhere to the following recommended standards.

1. A Board member will not give the impression that he or she would represent special interests or partisan politics for personal gain.
2. A Board member will not give the impression that he or she has the authority to make decisions or take action on behalf of the Board or the school administration.
3. A Board member will not use his or her position on the Board to promote personal financial interests or the financial interests of family members, friends or supporters.
4. A Board member will not solicit or accept anything of value in return for taking particular positions on matters before the Board.
5. A Board member will not give the impression that his or her position on any issue can be influenced by anything other than a fair presentation of all sides of the question.
6. Board members will be familiar with, and adhere to, those provisions of Vermont education law which define School Board powers and govern Board member compensation and public bidding processes.

Avoiding Conflicts

When a Board member becomes aware that he or she is in a position that creates a conflict of interest or the appearance of a conflict of interest as defined in state law or this policy, he or she will declare the nature and extent of the conflict or appearance of conflict for inclusion in the Board minutes, and will abstain from voting or participating in the discussion of the issue giving rise to the conflict.

Complaints of Conflict of Interest

When a conflict of interest claim against a Board member is brought to the Board in writing and is signed by another Board member or a member of the public, and the Board member against whom the claim is made does not concur that a conflict in fact exists, the following Board procedures will be followed.

1. Upon a majority vote of the remaining Board members, or upon order of the chair, the Board will hold an informal hearing on the conflict of interest claim, giving both the Board member and the person bringing the claim an opportunity to be heard.
2. At the conclusion of the informal hearing, the remaining Board members will determine by majority vote whether to:
 - a. issue a public finding that the conflict of interest charge is not supported by the evidence and is therefore dismissed;
 - b. issue a public finding that the conflict of interest charge is supported by the evidence and that the member should disqualify him or herself from voting or otherwise participating in the Board deliberations or decision related to that issue, as required by Vermont statute; and/or
 - c. issue a public finding that the conflict of interest charge is supported by the evidence and the Board member should be formally censured or subjected to such other action as may be allowed by law.

Date Warned: October 12, 2009

Date Adopted: November 2, 2009

Legal Reference(s): 16 V.S.A. § 262(d) (Election of officers)
16 V.S.A. §557 (Gratuity/compensation prohibited)
16 V.S.A. §558 (Eligibility for election to school board)
16 V.S.A. §559 (Public bids)
16 V.S.A. §563(20) (Powers of school boards)

Cross Reference:

VSBA CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

Code: B3-R

A school board member has no legal powers or authority unless acting at a school board meeting or acting for the school board after it formally grants power to act on its behalf. A school board member should perform the duties of a school board member in a manner consistent with this Code of Ethics.

Board Governance

1. Attend all regularly scheduled board meetings, insofar as possible and review study materials about the issues to be considered on each agenda.
2. Set goals for the school system and establish policies to direct its administration.
3. Maintain confidentiality of discussion conducted in executive session and of other privileged information.
4. Abide by board decisions regardless of how individuals voted.
5. Act only as a member of the board and do not assume authority as an individual in school matters when the board is not in session.
6. Be familiar with and observe Vermont education laws.
7. Listen to legal counsel and constructive criticism to protect the board and the school system from liability.

Board-Administration Relations

8. Give school officials authority commensurate with their responsibility, work through the properly appointed school officials according to the school system's organization and policies, and support school officials in the performance of their duties.
9. Expect the superintendent to keep the board adequately informed through regular written or oral reports and hold the superintendent accountable through an annual job performance evaluation.
10. Refer complaints, requests, and concerns to the superintendent or other appropriate staff member.
11. Use the chain of command and avoid making commitments or promises that compromise the board, administration or the school system.
12. Listen to the recommendations of the superintendent and staff before making decisions and provide advice and counsel to the superintendent.
13. Recognize that a board member's responsibility is to see that schools are well run, but not to run them.

Board Member Relations

14. Retain independent judgment and refuse to surrender that judgment to individuals or special interest groups.
15. Voice opinions responsibly, maintain good relations with other board members, respect other board members' rights and opinions, and make no disparaging remarks, in or out of the board meeting, about other board members or school staff. Instead, express opinions in a professional, fair manner.
16. Accept the responsibility to secure facts before arriving at conclusions.
17. Expect more time to be spent on educational programs and procedures than on business details at board meetings.

Personnel Relations

18. Support employment of the best qualified people as school staff and insist on regular, impartial evaluation of all staff.
19. Hire no superintendent, principal or teacher already under contract with another school unless assurance is first secured from the proper authority that the person can be released from contract.

Community Relations

20. Represent the entire community and vote for what seems best for the children and youth of the school system.
21. Interpret the attitudes, wishes and needs of the community to school staff and communicate the aims, methods and goals of the schools to the community.
22. Create an environment that fosters community participation and involvement.

Conflict of Interest

23. Refrain from using board membership for political, personal or business advancement.
24. Recognize conflicts of interest and avoid being placed in a position of conflict of interest in hiring, letting bids, approving contracts and other financial affairs of the school system.

Board Preparation and Training

25. Be informed about educational issues by individual study and through participating in programs providing needed information, such as those sponsored by the Vermont and National School Boards Associations.
26. Take advantage of opportunities to improve your knowledge and to build your skills as locally elected members of school governing boards.
27. Associate with board members from other schools to discuss school problems and cooperate in the improvement of public school conditions.
28. Provide assistance to new school board members and make sure adequate orientation and training opportunities are offered them.