

## **BOARD MEMBER CONFLICT OF INTEREST**

Board service is a matter of public trust. In making decisions that affect the M.S.A.D. No. 75 schools, Board members have the duty to act in the interest of the common good and for the benefit of the people they represent.

A 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 conflict of interest, but the appearance of conflict of interest as well.

### **Financial Interest**

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 shall 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.

This policy is not intended to prevent the District from contracting with a business because a Board member is an employee of that business or has another direct or indirect financial interest. However, this policy is designed to prevent placing Board members in a position where their interest in the schools and their interest in their places of employment may conflict and to avoid appearances of conflict of interest.

### **Code of Conduct for Federally Funded Projects**

When a Board member participates in the selection, award or administration of a contract that is supported by a federal award, the Board member shall also comply with the Board's Policy DJH – Purchasing and Contracting: Procurement Staff Code of Conduct.

### **Determination of a Financial Interest**

If the issue of a potential financial conflict of interest has been raised relative to a Board member, and the member has not abstained from the discussion, negotiation or vote, the other Board members shall review the facts as disclosed to them and shall vote as to whether the Board member has a financial conflict of interest. If the Board determines that a financial conflict of interest exists, the Board member concerned shall be excused from participating in discussion, deliberation or vote relating to the item. As an alternative, the Board, upon motion, may vote to refer the financial conflict of interest question to the District's legal counsel for an advisory opinion and postpone action on the item.

### **Appearance of Conflict of Interest**

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 shall attempt to avoid the appearance of conflict of interest by disclosure and/or by abstention.

Anytime a Board member believes he/she has a personal interest in a matter before the Board, it is advisable for the Board member to disclose this interest.

### **Appointment to Office and Other Employment**

A Board member may not, during the time the member 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 employment position which has been created or the compensation of which has been increased by action of the Board during the time the member served on the Board.

### **Employment**

A member of the Board or spouse of a member may not be an employee in a public school within the jurisdiction of the Board to which the member is elected.

### **Board Members as Volunteers**

A member of the Board, or spouse of a member, may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular or extracurricular program or activity and reports directly to the Superintendent, principal, Athletic Director or other school administrator in a public school within the jurisdiction of the Board to which the member is elected.

Volunteer activities of a member of the Board or member's spouse other than in roles that are prohibited by this section may be prescribed by policies developed and approved by the Board.

**Definitions**

For the 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 hours worked, for personal services performed for a school administrative unit.
- B. “Volunteer” means a person who performs personal services for a school administrative unit without monetary payments or benefits of any kind or amount.

***Legal Reference:***     ***20-A M.R.S.A. § 1002-1004***  
                                  ***20-A M.R.S.A. § 1315 (SAD’s)***  
                                  ***30-A M.R.S.A. § 2604-2606***

***Cross Reference:***    ***BCA – Board Member Code of Ethics***  
                                  ***BCC - Nepotism***  
                                  ***BBBA - Board Member Qualifications***  
                                  ***DJH – Purchasing and Contracting: Procurement Staff Code of***  
                                  ***Conduct***

**FIRST READING:**       **November 18, 2021**  
**SECOND READING:**    **December 9, 2021**  
**ADOPTION:**            **December 9, 2021**

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