

UNION #39

POLICY BF

BOARD MEMBER CONFLICT OF INTEREST (page 1 of 2)

Members of the board recognize the ethical duty of all public officers to avoid conflicts of interest. In the case of school board members, this duty is extended by Vermont statutory law to include a requirement that boards adopt policies and procedures to avoid the appearance of conflicts of interest. In order to comply with the obligations thus imposed, the board and its members will adhere to the following standards.

1. Board members will be familiar with NSBA and VSBA Codes of Ethics, and will observe their provisions.
2. 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.
3. A Board member will do nothing intended to give the false impression that he or she has the authority to make decisions or take action on behalf of the Board or the school administration.
4. A Board member will not take any action which is intended to give the impression that he or she would represent special interests or partisan politics for personal gain.
5. A Board member will not use his or her position on the Board in any manner intended to unfairly promote personal fiduciary interests or the fiduciary interests of family members, friends or supporters.
6. A Board member will not accept anything of value in return for taking particular positions on matters before the Board.
7. A Board member will do nothing intended to leave 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.

When a Board member becomes aware of involvement in 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.

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 to take one of the following actions:
 - Issue a public finding that the conflict of interest charge is not supported by the evidence and is therefore dismissed.

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- 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.
- Issue a public finding that the conflict of interest charge is supported by the evidence and, in addition to disqualifying him or herself from voting or otherwise participating in the Board deliberations or decision, the Board member should be formally censured or subjected to such other action as may be allowed by law.

Date Warned: May 12, 1993

Date Adopted :May 24, 1993

Date Reviewed: July 16, 2003

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: