

**Blue Water Middle College Academy (BWMCA)
Board of Trustees Policy**

Conflict of Interest

The objective of this bylaw is to maintain an impartial administration of the business of the Blue Water Middle College Academy (BWMCA) and to maintain public confidence in the BWMCA Board of Trustees.

Conflict of Interest

The Blue Water Middle College Academy Board Trustees, Administrators, and Legal Counsel shall perform their official duties in a manner free from conflicts of interest.

No BWMCA Board Trustee shall use their position to benefit either themselves or any other individual or agency apart from the total interest of the Academy.

The BWMCA Board shall direct the administration to draft additional guidelines to conform to the intent of this policy.

When a trustee of the Board determines a personal conflict of interest exists, he/she should, prior to the matter being considered, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board) and thereafter shall abstain from voting on the matter.

A trustee of the Board is presumed to have a conflict of interest if the trustee or family member has a financial interest, or a competing financial interest, in the contract or other financial transaction or is an employee of the school district, intermediate school district, or public school academy. Having a child in the Academy does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the Blue Water Middle College.

As used in this section, "family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse, and includes these relationships as created by adoption or marriage.

A person serving as the Legal Counsel to the board of the school district or intermediate school district or board of directors of a public school academy, or otherwise acting as an advisor or consultant to the BWMCA Board of Trustees, who believes or has reason to believe that the person has a conflict of interest with regard to a contract or other financial transaction that requires the approval of the board shall disclose the conflict of interest to the board before the vote on the contract or other financial transaction. A person serving as the Legal Counsel or otherwise acting as an advisor or consultant to the board is presumed to have a conflict of interest if the person or his or her family member has a financial interest, or a competing financial interest, in the contract or other financial transaction.

If a Board Trustee, Administrator, or a person serving as the Legal Counsel to the board, has a child who is a pupil of the school district, intermediate school district or public school academy, that relationship alone does not constitute a conflict of interest or financial interest in a contract

or financial transaction of the school district, intermediate school district, or public school academy.

(a) An individual is not considered to have a financial interest in a contract or other financial transaction between the school district, intermediate school district, or public school academy in any of the following:

(i) A corporation in which the individual is a stockholder owning 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owning stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.

(ii) A corporation in which a trust, if the individual is a beneficiary under the trust, owns 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owns stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.

(iii) A professional limited liability company organized pursuant to the Michigan limited liability company act, 1993 PA 23, MCL 450.4101 to 450.5200, if the individual is an employee but not a member of the company.

(b) A contract or other financial transaction between the school district, intermediate school district, or public school academy and any of the following:

(i) A corporation in which the individual is not a director, officer, or employee.

(ii) A firm, partnership, or other unincorporated association, in which the individual is not a partner, member, or employee.

(iii) A corporation or firm that has an indebtedness owed to the individual.

(c) A contract between an intermediate school district and a constituent district.

(d) A contract awarded to the lowest qualified bidder, upon receipt of sealed bids pursuant to a published notice for bids if the notice does not bar, except as authorized by law, any qualified person, firm, corporation, or trust from bidding. This subdivision does not apply to amendments or renegotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.

This does not apply to any amendments or re-negotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.

If a majority of the Trustees of the Board are required to abstain from voting on a contract or other financial transaction due to the operation of this section, then, notwithstanding any other provision of law or any bylaw, for the purposes of that contract or other financial transaction, the trustees who are not required to abstain constitute a quorum of the board and a majority of those trustees eligible to vote is required for approval of the question.

If a BWMCA Board Trustee or Administrator has a substantial conflict of interest in a proposed contract, the BWMCA Board Trustee shall not present the contract. As used in the subsection, “substantial conflict of interest” means a conflict of interest on the part of BWMCA Board Trustee, Administrator, or Legal Counsel in respect to a contract with the Board of Trustees that is of such substance as to induce action on his/her part to promote the contract for his/her own personal benefit. Excluded from substantial conflict are the situations described in MCL 380.634(5).

The provisions of this section are in addition to other provisions of law concerning conflicts of interest that apply to school districts, intermediate school districts, and public school academies.

Board Ethics

No trustee of the BWMCA Board shall engage in, or be party to, any of the following activities:

1. Representing his/her opinion as that of the BWMCA Board of Trustees or making commitments on behalf of the Academy or the Board unless that person has been specifically designated to do so by official Board Action. The Board shall make the staff and citizens aware that only the Board, not the individual trustee, has the right to take official action for the Academy. Board Trustees may be contacted for discussion of BWMCA business or for complaints. The Board Trustee may listen but shall not make a commitment on behalf of the Board. The individual trustee does not and cannot, speak for the Blue Water Middle College Academy or the Director.
2. Placing him/herself in situations where prejudice, bias, favoritism or personal gain is a motivating force in his/her conduct.
3. Disclosing or releasing confidential information, not otherwise available to member of the public, in advance of the time prescribed for the release; provided however, that this provision shall not prevent a Trustee of the Board from divulging or releasing confidential information regarding suspected violations of law.
4. Benefiting financially from confidential information obtained due to the trustee’s position on the Board.
5. Using personnel resources, property, or funds of the BWMCA, except in accordance with prescribed constitutional, statutory, and regulatory procedures, and in accordance with good business procedures and not for personal gain or benefit.
6. Soliciting or accepting a gift or loan of money, goods, services or other things of value, which tends to influence the manner in which the Board Trustee performs his/her official duties.
7. Becoming employed by the Academy or receiving any compensation for services rendered, except compensation for attending meetings as permitted by law.

8. Endorsing any organizations, institutions, instructional books or materials, political candidates, etc., on behalf of the BWMCA or the Board without the express approval of the full Board of Trustees.

Board Trustee Responsibilities

1. Board Trustees shall: Attend all scheduled Board meetings insofar as possible and become informed concerning the issues to be discussed at the meetings;
2. Take no action that will compromise the Board or the Blue Water Middle College's staff and respect the confidentiality of information that is privileged under applicable law;
3. Make policy only after full discussion of the issues at publicly held Board meetings;
4. Render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
5. Encourage the free expression of opinion by all Board Trustees and seek systematic communications between the Board, students, staff, and all elements of the community;
6. Work with other Board Trustees to establish effective policy and to delegate authority for the administration of the school to the Director;
7. Communicate to other Board Trustees and the Director, public reaction to Board policy and Blue Water Middle College programs;
8. Become informed about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and National School Boards Association; and
9. Support the employment of those persons best qualified to serve as BWMCA staff and insist on a regular, impartial evaluation of all staff.

The Board shall transact all business at legally called and noticed meetings.

If a specific complaint needs attention, the Board Trustee shall explain to the complainant the Blue Water Middle College's chain of command for handling complaints or refer the complaint to the Director. The Board Trustee also shall inform the complainant about the process for bringing items to the Board through the Board's agenda or through the public participation portion of the Board meeting.

Employment of Former Board Trustees

No former Board Trustee shall become employed by the Blue Water Middle College until that individual has been out of office for at least one (1) full year from the date of official separation from office.

Approved: May 20, 2015

1968 PA 317, MCL 15.321-15.330, 1993 PA 23, MCL 380.1203, MCL 450.4101-450.5200,
MCL 380.634(5) Add. 2012, Act 606, Imd. Eff. Jan. 9, 2013