

## BOARD MEMBER CONFLICT OF INTEREST

A conflict of interest may arise when there is an incompatibility between a Board member's personal interest and their 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 a conflict of interest as well.

### **Financial Interest**

A Board member has a financial interest in a question or contract under consideration when the Board member or a member of their immediate family may derive some financial or other material benefit or loss as a result of 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 they have 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 their 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 the member has an interest.

It is not the intent of this policy to prevent a Board member from voting or the school unit from contracting with a business because a Board member is an employee of that business or has another, indirect interest, but is designed to prevent the placing of 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.

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

A Board member should do nothing to give the impression that their 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.

### **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's tenure on the Board ends, 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, or spouse of a member, of the Board may not be an employee in a public school within the jurisdiction of the Board.

### **Board Members as Volunteers**

A member, or spouse of a member, of the Board 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.

Volunteer activities of a member, or spouse of a member, of the Board 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. "Stipend employee" means a person who receives limited monetary payment of benefits, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring, or coaching capacity for a school administrative unit.

C. “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  
30-A M.R.S.A. § 2604-2606

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

Adopted: November 18, 2021