

BOARD MEMBER CONFLICTS OF INTEREST

School Board members hold the public trust through impartial and responsible public service. Board Policy is only one means of ensuring responsible, impartial decision making by School Board members and thereby of securing and maintaining the public trust. Board members are responsible for reviewing how their personal circumstances might be related to matters that concern School Board business or the District generally, for making timely and appropriate disclosures, and for taking appropriate action.

The School Board and individual Board members have legal and ethical obligations to avoid situations in which their objectivity as elected public officials may be compromised due to a financial or other significant personal interest in a District business transaction or in other matters that come before the Board. Similarly, each member of the Board has obligations to avoid engaging in conduct which is incompatible with the proper discharge of his/her duties and authority as a public official.

Each individual Board member is personally responsible for identifying and taking appropriate action with respect to his/her own conflicts of interest in accordance with Board policy and applicable law. The following are examples of situations in which a conflict of interest issue or an issue with undue bias or partiality may arise and in which a Board member who is affected by the issue needs to determine an appropriate course of action, including that certain conduct must be avoided altogether:

1. A Board member, in his/her private capacity, is considering seeking or being otherwise involved in any type of business transaction with the District. State law places limitations on such transactions even when the Board member intends to abstain from participating in the matter in his/her official capacity and/or refrain from participating in any discussion, oral or written, about the matter;
2. An individual who resides in the Board member's household, is a financial dependent of the Board member, or is a close relative of the Board member is (a) employed by the District; (b) seeking employment with the District; or (c) pursuing a business transaction or maintaining a business relationship with the District;
3. A Board member is receiving a benefit from the District that is unrelated to his/her role as a Board member (e.g., the Board member is a former District employee who is receiving, or is eligible to receive, post-employment benefits; the Board member is covered under any of the District's group insurance plan(s), etc.);
4. A Board member is employed by an entity that provides or is seeking to provide products or services to the District;
5. Any matter coming before the Board that is reasonably likely to have more than a trivial, insignificant, or insubstantial financial effect on an individual Board member, a Board member's spouse, a person with whom a Board member is financially interdependent or involved, or an organization with which a Board member is associated in an ownership or leadership capacity, or as an authorized representative or agent;

165.1 (cont'd)

6. A Board member is interacting with a vendor or other entity that provides or is seeking to provide products or services to the District, or that the Board member knows regularly provides products or services to school districts;
7. A Board member's own child attends school in the District or participates in other District programs, and an issue arises in which the Board member's child is directly involved or which would uniquely affect the Board member's child.

Due to the legal doctrine of incompatibility of office, no Board member who is currently in office may be simultaneously employed by the District in any other capacity, except as follows.

At the Board's discretion, a Board member may be appointed to serve as a volunteer coach or as a supervisor of an extracurricular activity if he/she: (1) receives no compensation for coaching or supervising the extracurricular activity, (2) agrees to abstain from voting on issues substantially and directly related to the activity he/she coaches or supervises, and (3) the Board receives the results of a criminal background investigation of the Board member, and the appointment is still appropriate in light of those results, in the discretion of the Board.

Legal References: Wisconsin State Statutes: 19.42, 19.46(2), 19.59, 19.59(5), 120.20, 946.12 , 946.13

Cross References: **Board Member Authority and Responsibility, 161 and 161-Appendix Conflict of Interest, 522.4**

Adoption Date: August 10, 2020

PROCEDURES RELATING TO SCHOOL BOARD MEMBER CONFLICTS OF INTEREST

Procedures for Abstention Due to a Conflict of Interest or Potential Conflict of Interest

When a School Board member abstains from voting and otherwise participating in a matter due to an actual or potential conflict of interest, an actual or potential personal bias, or any other matter where a Board member has either a pecuniary interest in the outcome or has been the target of personal abuse, the Board member shall inform the Board President of the nature and extent of the conflict or issue in advance of any relevant Board or Committee meeting and of his/her proposed course of action to address the conflict or issue. Advance notice of at least three (3) business days before any relevant Board or Committee meeting is strongly encouraged so that the Board President can take any steps that may be necessary before the meeting, including any necessary adjustment(s) to the meeting notice or agenda.

The Board member that may have a conflict or other issue that might fall under this Policy shall also state on the record, at the relevant Board or Committee meeting, for the Board's or Committee's minutes, that he/she is abstaining from participating in any discussion or vote concerning the matter, and the basis for that decision; in circumstances where the Board member is not present due to the abstention, the presiding officer for the Board shall make a record of the same information for the record and the Board's minutes. When this takes place, including situations in which a Board member concludes, regardless of any specific legal or Policy requirement, that he/she will voluntarily refrain from participating in any such matter (e.g., to avoid undermining public confidence in the Board's actions, decisions, or judgment), these procedures and statement of policy apply:

1. If present at a meeting where the matter in question is going to be addressed, the Board member who will not be participating in the matter will declare their non-participation at the meeting(s) and should normally do so no later than just before the Board (or committee) begins to directly address the relevant item of business.
2. Non-participation means that the Board member will not (a) discuss or debate the matter; (b) make recommendations on the matter; (c) make motions or vote on the matter; or (d) otherwise use his/her public office to attempt to influence the decision of the Board (or committee) or the District's course of action.
3. The Board strongly encourages any member who is not participating in a matter due to an actual or potential conflict interest or due to concerns with possible bias to leave the meeting for the time period during which the Board (or committee) is addressing the matter in question.
4. The Board member's decision to refrain from participating or in cases where a Board member insists on participating even though their participation has been challenged(including his/her departure from the meeting if applicable), shall be expressly identified and recorded in the minutes of the meeting.
5. If a Board member refuses to avoid participating in a matter notwithstanding the Board's (or a committee's) approval of a specific motion requesting abstention based on the Board's (or committee's) conclusion that abstention appears to be the legally-required course of action, the motion, vote, and the refusal to abstain shall be expressly identified and recorded in the minutes of the meeting.

Procedures Intended to Facilitate the Identification, Assessment, and Resolution of Potential or Actual Conflicts of Interest

Each individual Board member is ultimately responsible for identifying and taking appropriate action when a possible conflict of interest may arise or has arisen under Board policy or applicable state law involving one or more Board members. The following procedures will apply to the greatest extent practicable and appropriate:

- The Board President (or the Vice President if the President is the member with the possible conflict of interest) may direct the Superintendent to seek a legal interpretation and/or advisory opinion from the District's legal counsel, which, upon the advice of counsel, may further involve seeking an opinion from the Ethics Commission and/or the Office of the Attorney General.
- The Board, at a properly noticed meeting, may direct the Board President or Superintendent to seek a legal interpretation and/or advisory opinion from the District's legal counsel which, upon the advice of counsel, may further involve seeking an opinion from, the Ethics Commission, and/or the Office of the Attorney General.
- The Board President may, in his/her discretion, or the Superintendent, with Board President authorization, may seek the opinion of the District's legal counsel or may consult with counsel as needed on behalf of the Board to satisfy the purposes of this Policy and Corresponding Rule, facilitate implementing the procedures identified in this Policy and Corresponding Rule, or for other reasons that make such consultation reasonable in the circumstances presented.

If the best available information indicates that a conflict of interest will exist for any Board member in a particular matter, the Board expects the individual Board member to take such action as is necessary to remedy or avoid the conflict (e.g., by abstaining from both debating and voting upon the issue(s)).

In the event a question has arisen after-the-fact as to the propriety, under Board policy or under applicable law, of a Board member's prior participation in debate or voting (or the performance of some other official function) in any matter, the Board may seek advice from the District's legal counsel (1) determining how to assess the outcome of voting in light of any abstention or failure to abstain, and (2) determining whether it is in the District's best interest for the Board to, for example, consider rescission of any prior action, to take action on the matter in question a second time without the participation of one or more Board members, or (3) to simply permit an original vote to stand.

These procedures do not generally preclude an individual Board member from seeking advice or counsel on his/her own behalf regarding a matter which he/she is or may become a party, including seeking advice from the Board member's personal attorney, provided that in seeking such advice or counsel he/she does not improperly disclose any confidential District information, including but not limited to legally-protected student records or legal advice that is subject to any attorney-client privilege held by the District.

Adoption Date: