

BIRMINGHAM COMMUNITY CHARTER HIGH SCHOOL

CONFLICT OF INTEREST & RECUSAL POLICY

It is the policy of the Board of Directors (“Board”) of Birmingham Community Charter High School (“BCCHS”), a California nonprofit public benefit corporation that operates a California public charter school, to maintain a Conflict of Interest & Recusal Policy to avoid actual or perceived conflicts of interest and to ensure the highest degree of integrity in the decision-making process.

I. PURPOSE AND EFFECT

The purpose and effect of this policy is to supplement BCCHS’s Conflict of Interest Code and to establish a clear process for when Board members with a conflict of interest or potential conflict of interest know how and when to disqualify/recuse themselves. This policy takes into consideration the requirements of the Political Reform Act of 1974, as well as the California Nonprofit Public Benefit Corporation Law. In the event that this Policy conflicts with federal or state laws or regulations, said laws or regulations will control, to the extent applicable to BCCHS.

II. DISQUALIFICATION/RECUSAL

A. Non-Employee Board Member

Non-employee Board members may not participate in open or closed session discussions of the Board involving any of the following topics:

- i. Discussions or actions as to transactions or contracts in which the Board member, or his or her immediate family member as defined herein, has a material financial interest; or
- ii. Discussions or actions as to transactions or contracts in which the Board member’s adult child has a material financial interest.

B. Employee Board Member

No Board member of BCCHS who is also concurrently a BCCHS employee may participate in open or closed session discussions of the Board involving any of the following topics:

- i. Discussions or actions as to transactions or contracts in which the Board member, or his or her immediate family member, has a material financial interest; immediate family member is defined to include the Board member’s spouse and dependent children;

- ii. Discussions or actions as to transactions or contracts in which the Board member's adult child has a material financial interest;
- iii. Discussions or meetings as to the appointment, employment, compensation, performance evaluation, discipline, or dismissal of a BCCHS employee or classes of employees, especially including any such employee or employees who are responsible for supervising and/or evaluating the employee Board member;
- iv. Hearing of complaints, claims or charges brought against a BCCHS employee by another person or BCCHS employee;
- v. Discussions or meetings with legal counsel concerning pending or ongoing legal proceedings, either before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, in which a current or former BCCHS employee is a party in his or her personal or official capacity;
- vi. Discussions or actions regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of BCCHS's employees; or
- vii. Any discussions or meetings concerning negotiations with a collective bargaining unit or regarding the formation of a collective bargaining unit for BCCHS's employees; or
- viii. Consideration of claims made against BCCHS for money and/or damages where the claimant is a current or former BCCHS employee.

III. MANNER OF DISQUALIFICATION/RECUSAL

If one or more Board members are disqualified under Section II of this Policy, the interested Board member(s) shall disclose the disqualifying interest at the meeting prior to the Board's consideration of the matter taking place. This disclosure shall be made part of the Board's official record. The Board member shall refrain from participating in the decision in any way (i.e. the Board member with the disqualifying interest shall refrain from voting on the matter and shall leave the room during Board discussion and final voting. Effective recusal also means that the Board member may not attempt (outside of a meeting) to influence Board members or other decision-makers.

In accordance with BCCHS bylaws, if a Board member refuses to recuse himself or herself where the Board believes recusal is warranted, the Board may vote to cause involuntary recusal by majority vote, excluding the member with the perceived or actual conflict of interest.

ADOPTED: December 2, 2017

AMENDED: