

SCHOOL BOARD MEMBER CONFLICT OF INTEREST		File: BCB
Section: B School Board Governance & Operations	Adopted: 4/10/97	Last Revised: 5/4/2018

Board service is a matter of public trust. In making decisions that affect the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf, Board members have the duty to act in the interest of the common good and for the benefit of the people they represent.

A conflict of interest may arise when there is an incompatibility between a Board member’s personal interest and his/her responsibilities as an elected or an appointed 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 conflict of interest as well.

Financial Interest

A Board member has a financial interest in a question or contract under consideration when he or she or a member of his/her immediate family may derive some financial or other material benefit or loss as a result of the 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 he or she has a financial interest.

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 his or her 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 he or she 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.

Appearance of Conflict of Interest

A Board member should not give the impression that his or her 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 ceases to serve on the Board, 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 of the Board or spouse of a member may not be an employee in a public school within the jurisdiction of the Board to which the member is elected or in a contract high school or academy located within a supervisory union in which the member is a representative on the union committee.

Board Members as Volunteers

A member of the Board, or spouse of a member, 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 Executive Director, principal, athletic director or other school administrator in a public school within the jurisdiction of the Board to which the member is elected or appointed, or in a contract high school or academy located within a supervisory union in which the member is a representative on the school committee.

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Volunteer activities of a member of the Board or member’s spouse other than in roles that are prohibited by this section may be prescribed by policies developed and approved by the Board.

Corrective Action

If there is reason to believe an individual has failed to disclose actual or potential conflicts of interest, the member will be informed and allowed to explain alleged failure to disclose to the BOD by way of hearing. If there is still reason to believe a conflict of interest exists after the alleged conflict is explained, corrective action may include censure or possible removal from 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. “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
 20-A M.R.S.A. § 1315 (SADS’s)
 30-A M.R.S.A. § 2604-2606

Cross Reference: BCA-Board Member Code of Ethics