

CONFLICTED: CONFLICT AND “CONFLICTS OF INTEREST” IN THE BOARD ROOM

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SEDOR WENDLANDT EVANS FILIPPI

CONFLICTS ARE SERIOUS BUSINESS



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GOVERNING LAW

EMPLOYMENT OF BOARD MEMBERS

- **Sec. 14.14.140. Restriction on employment; compensation of board members.** (a) While serving on the school board, a member may not be employed by that local school board. Members of the immediate family of a school board member may not be employed by the school board except upon written approval of the commissioner.
(b) Members of the immediate family of a chief school administrator may not be employed by the chief school administrator except upon written approval of the school board.
(c) A school board member may receive compensation for time spent in the performance of duties as a school board member if the compensation is authorized by resolution adopted by the school board. The restriction in (a) of this section does not apply to this compensation.

DEFINTION OF FAMILY MEMBER

4 AAC 18.900. Definitions (a) "Immediate family" as used in **AS 14.14.140** means (1) husband and wife; (2) father and son, or daughter; (3) mother and son, or daughter; (4) brother and sister.



WHO IS A FAMILY MEMBER?

PROCEDURE FOR EMPLOYMENT BOARD MEMBER'S FAMILY MEMBER

4 AAC 18.031. Employment of members of immediate families of school board members

(a) The commissioner's approval of a school district's new employment of a member of the immediate family of a school board member, required by AS 14.14.140, must be given upon the written certification by the chief school administrator that the person for whom the approval is requested (1) is the most qualified applicant for the position; and (2) has been approved by the school board for employment in the position. (b) The school board approval required by (a)(2) of this section must be in the form of a motion passed by a majority of a quorum of the board. The motion must be limited to the matter of the employment of the person for whom approval under this section is requested, and must state that the approval of the commissioner is required because the person is a member of the immediate family of a school board member.

OTHER STATUTES GOVERNING CONFLICTS

Sec. 14.14.140. Restriction on employment; compensation of board

members. (a) While serving on the school board, a member may not be employed by that local school board. Members of the immediate family of a school board member may not be employed by the school board except upon written approval of the commissioner.

(b) Members of the immediate family of a chief school administrator may not be employed by the chief school administrator except upon written approval of the school board.

(c) A school board member may receive compensation for time spent in the performance of duties as a school board member if the compensation is authorized by resolution adopted by the school board. The restriction in (a) of this section does not apply to this compensation.

SUBSTANTIAL FINANCIAL INTEREST

Sec. 29.20.010. Conflict of interest. (a) Each municipality shall adopt a conflict of interest ordinance that provides that

(1) a member of the governing body shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;

(2) the presiding officer shall rule on a request by a member of the governing body to be excused from a vote;

(3) the decision of the presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by the majority vote of the governing body; and

(4) a municipal employee or official, other than a member of the governing body, may not participate in an official action in which the employee or official has a substantial financial interest.

(b) If a municipality fails to adopt a conflict of interest ordinance by June 30, 1986, the provisions of this section are automatically applicable to and binding upon that municipality.

(c) This section applies to home rule and general law municipalities.

STANDARD CONFLICT OF INTEREST BOARD POLICY

- In order to instill public confidence in public office and provide public accountability, School Board members shall disclose and avoid conflicts of interest involving any matter pending before the School Board. A conflict of interest exists when a member has a personal or financial interest on a matter coming before the Board that could render the member unable to devote complete loyalty and singleness of purpose to the public interest. School Board members owe the public a duty to act in the best interests of the district.

- **Decision making.** The Board recognizes that when no conflict of interest requires abstention, its members must vote on issues before the Board. If a board member or his or her family member may benefit personally or financially from a Board decision, that board member must provide full disclosure of the conflict or potential conflict of interest to the Board. The Board, without that member's participation, will then approve or disapprove of the member's deliberations and voting on the issue. If the Board determines a conflict of interest prohibits participation, the member shall abstain from deliberations and voting.

DECISION MAKING

APPEARANCE OF IMPROPIETY

- **Appearance of impropriety.** When a situation may create the appearance of impropriety, even where state and federal laws do not require any action, the board member shall fully disclose the circumstances. The Board, without that member's participation, will then approve or disapprove of the member's deliberations and voting.
- Board members who have an actual or potential conflict of interest requiring disclosure shall not seek to influence the decisions of staff or other board members on the underlying matter, or on the member's participation in the matter.

- **Other duties.** School Board members are expected to avoid conflicts of interest in their other duties. This includes:
 - **a. Confidential information.** School Board members shall not disclose or use confidential information acquired during the performance of official duties as a means to further their own personal or financial interests or the interests of a family member.
 - **b. Gifts.** School Board members shall not accept a gift or economic benefit that would tend to improperly influence a reasonable person or where board members know or should know the gift is offered for the purpose of influencing or rewarding official action.
 - **c. Business dealings with staff.** School Board members shall not engage in financial transactions for private business purposes with district staff whom board members directly or indirectly supervise.
 - **d. Compensation for services.** School Board members shall not receive any compensation for services rendered to the district from any source, except compensation for serving on the School Board and reimbursement of expenses incurred as a board member, as allowed by policy and law.

OTHER DUTIES



CONFLICT ON THE BOARD



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CIVILITY AND
COMMON GOAL

16

WHAT TO
WHEN
THERE IS
DISSENT?





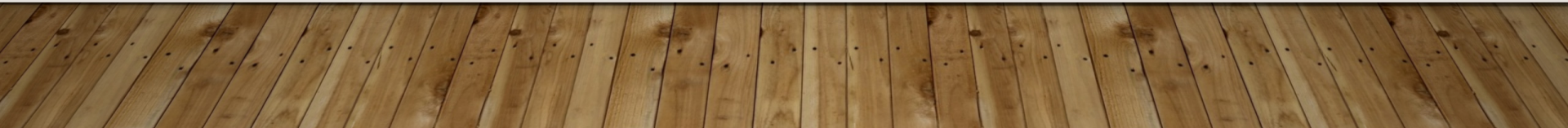
We the People of the U.S.
insure domestic Tranquility, provide for the common defence,
and our Posterity, do ordain and establish this Constitution.

**BOARD MEMBERS HAVE FIRST
AMENDMENT RIGHTS**

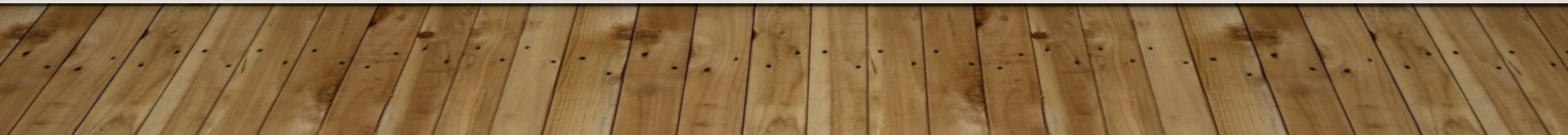
18 FIDUCIARY DUTY

All Board Members owe a duty to the School District and ultimately the students.

But Board Members can disagreed on the best path forward for the School District.



19 CIVILITY AND TEAMWORK



Questions?

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