

ELLSWORTH SCHOOL DEPARTMENT CONFLICT OF INTEREST

School Board service is a matter of public trust. In making decisions that affect the Ellsworth Public Schools, School 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 official in a matter proposed or pending before the Board. School 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 School Board member has a financial interest in a question or contract under consideration when he/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's action. The vote of the School 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/she has a financial interest.

In order to prevent the vote on a question or contract from being voidable, a School Board member who has a financial interest must:

- A. Make full disclosure of his/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 School Board shall record in the minutes of the meeting the member's disclosure and abstention from taking part in the decision in which he/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 School 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.

Conflicts of Interest as Defined by Code of Ethics of the City of Ellsworth

Any Board member who believes that he/she may have a conflict of interest as defined by the Code of Ethics/Conduct of the City of Ellsworth (Ethics Code) must disclose the possible conflict and the relevant information. The disclosure must be made prior to consideration of the item that is the subject of the potential conflict or as soon as the potential conflict is discovered. If a Board member reasonably believes, based on his/her own personal knowledge or upon a credible report from a member of the public, that another Board member has a potential conflict of interest that has not been disclosed in a timely manner, the Board member must disclose the possible conflict and the relevant information to the Board. The Board member concerned will then be given the opportunity to respond.

ELLSWORTH SCHOOL DEPARTMENT

Once the issue of conflict has been raised, the remaining Board members will review the facts as disclosed to them and must vote on whether or not such individual has a conflict of interest with respect to the item concerned. The Board may request an advisory opinion from the Board of Ethics prior to voting on the question.

If the Board finds the existence of a conflict of interest, the Board member will be excused from participating in discussion, deliberation, or vote on the item concerned. The Board member must immediately leave the meeting room or relocate to the area of the room occupied by the general public and may not return to the Board member's regular seat as a member of the Board until deliberation and action on the item is completed. The Board member may participate in the same manner and to the same extent as any other member of the public.

Appearance of Conflict of Interest

A School Board member should do nothing to give the impression that his/her position or vote on an issue is influenced by anything other than a fair consideration of all sides of a question.

School 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 School 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 School Board during the time the member served on the Board.

Employment

A member of the School Board or spouse of a member may not be an employee in a public school within the jurisdiction of the School 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 School 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 Superintendent, principal, athletic director or other school administrator in a public school within the jurisdiction of the School Board to which the member

ELLSWORTH SCHOOL DEPARTMENT

Volunteer activities of a member of the School Board or member's spouse other than in roles that is elected, or in a contract high school or academy located within a supervisory union in which the member is a representative on the School Board.
are prohibited by this section may be prescribed by policies developed and approved by the School 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
30-A M.R.S.A. § 2604-2606
Charter of the City of Ellsworth Article IX §9.06 Code of
Ethics, City of Ellsworth Maine

Cross Reference: BCA-School Board Member Code of Ethics

Adopted: April 8, 2014