

SCHOOL BOARD MEMBER CONFLICTS OF INTEREST

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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 ultimately responsible for personally 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 some of the 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 the possibility that certain conduct or certain transactions 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;
2. A Board member is considering seeking employment with the District. Board members are cautioned that, with respect to at least some positions, state laws carrying criminal penalties may require the Board member to resign from his/her Board position prior to even applying for District employment;
3. 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) seeking to engage in any business transaction with the District;
4. 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.);
5. A Board member is employed by an entity that provides or is seeking to provide products or services to the District;
6. Any matter comes 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 inter-dependent, or an organization with which a Board member is associated in an ownership or leadership capacity or as an authorized representative or agent;
7. 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;

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8. A Board member is offered or receives (e.g., even without either soliciting or intentionally accepting the item) anything of value that could reasonably be expected to influence the Board member's official's vote, official actions or judgment, or that could reasonably be considered as a reward for any official action or inaction on the part of the Board member;
9. A Board member is interacting with any person or group that is advocating for the Board or District to make a certain decision or take a particular action;
10. 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. (See also the caution identified above for any Board member who is considering seeking employment with the District.)

Incompatibility of office can also prevent current Board members from volunteering within the District in certain roles. Any time a School Board member seeks approval to serve as an authorized District volunteer in a capacity that is in addition to their Board role, school personnel are expected to contact the District Administrator for additional direction. Applying appropriate legal standards, the District Administrator may authorize the volunteer service, reject the request for authorization, or refer the request for authorization to the Board, **except** that the volunteer positions covered by section 120.20 of the state statutes (i.e., school bus driver, coach, or extracurricular activity supervisor) **shall** be referred to the Board for approval. The Board member seeking to volunteer may also contact the District Administrator or seek Board approval directly.

Legal References:

Wisconsin Statutes

Section 19.42	[statutory definitions related to the code of ethics for local government officials]
Section 19.46(2)	[advisory opinions from the ethics commission]
Section 19.59	[ethical standards for local government officials]
Section 19.59(5)	[advisory opinions regarding local government code of ethics; district legal counsel]
Section 120.20	[school board members; compatible positions of serving as a volunteer bus driver, coach, or extracurricular activity supervisor]
Section 946.12	[misconduct in public office]
Section 946.13	[private interests in public contracts prohibited]

Cross References:

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