

## CONFLICT OF INTEREST

Board service is a matter of public trust. In making decisions that affect the RSU #2 schools, 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 interest and his/her responsibilities as an elected 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.

### Definitions

For the purposes of this policy, the following 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 for those personal services.

### Appearance of Conflict of Interest

A 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.

Board members shall attempt to avoid the appearance of conflict of interest by disclosure and abstention.

### Financial Interest

A Board member has a direct or indirect financial interest in a question or contract under consideration when the member or the member's spouse 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 unless the member:

- A. Makes full disclosure of his/her interest before any action is taken; and
- B. Abstains from discussion, negotiation, attempting to influence the decision, voting, or awarding a contract or other action in which he/she has a financial interest.

The Secretary of the Board shall record in the minutes of the meeting the member's disclosure and abstention.

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. The policy is designed to prevent placing 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.

### **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 and Spouses as Volunteers**

- A. A member of the Board or the member's spouse may not serve as a volunteer when:
1. That volunteer has primary responsibility for a curricular, co-curricular or extracurricular program or activity; and
  2. That volunteer reports directly to the Superintendent, principal, athletic director or other school administrator 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 school committee.
- B. Volunteer activities of a member of the school board or the member's spouse, other than in roles that are prohibited by this subsection, are permissible.

Legal Reference: 20-A M.R.S.A. § 1002-1004  
20-A M.R.S.A. § 1315 (SAD's)  
30-A M.R.S.A. § 2604-2606

Cross Reference: BCA-Board Member Code of Ethics

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