

BOARD MEMBER CONFLICT OF INTEREST

This policy addresses Board member conflicts of interest.

A. Contracts

The Board and the School Department shall not enter into any contract in which a Board member (i) has a direct or indirect pecuniary interest (as defined by law),¹ (ii) or is employed by, contracts with or has any other financial interest in an entity which furnishes goods or services to the schools, except as follows:

1. The Board member having the interest makes full disclosure of interest before any action is taken and abstains from voting, negotiating or award of the contract and from otherwise attempting to influence the decision (with disclosure and abstention recorded in the minutes of the Board), or
2. The contract is obtained through properly advertised bid procedures in accordance with state law and Board policy.

B. Employment

1. 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 serves on the Board.
2. A Board member or spouse of a member may not be an employee in the Cape Elizabeth School Department. The Board has also adopted a policy on Nepotism (code BCC) which includes additional restrictions on the employment of Board members' family and the family members of School Department employees.

C. Volunteer Activities of Board Members and Spouses

1. 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 Superintendent, Athletic Director, principal or other administrator in the School Department. "Volunteer means a person who performs personal services for a school unit without monetary payments or benefits of any kind or amount."

¹ 30-A MRSA § 2605.

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2. Volunteer activities of a Board member or a member's spouse, other than in the roles that are prohibited by statute, may be prescribed by policies or rules developed and approved by the Board.

D. Code of Conduct for Federally Funded Procurements

When a Board member participates in the selection, award, or administration of a contract that is supported by a federal award, the Board member shall also comply with Policy DJH – Purchasing and Contracting; Procurement Staff Code of Conduct.

Cross Reference: BCC – Nepotism
DJ – Bidding/Purchasing Requirements (suggested policy)

Legal Reference: 20-A MRSA §§ 1002(1)(A), (1)(B),(2), (2-A), (3)

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