

SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

BOARD MEMBERS

BOARD MEMBER CONFLICTS OF INTEREST

165.1

The School Board and individual Board members shall observe this policy and all applicable laws regarding conflicts of interest. The following list of issues and expectations is not intended to be a complete list of all situations in which a conflict of interest may exist under applicable law. In addition, adherence to this policy will not necessarily excuse any violation of applicable law, including in situations where (a) this policy does not address the legal issue in question; or (b) this policy is in some way an incomplete or imprecise statement of the applicable laws. 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 applicable law.

1. A Board member, in his/her private capacity, may not negotiate, bid for, or enter into any contract in which he/she has a private pecuniary interest (direct or indirect) if, in his/her capacity as a public official, he/she is either authorized or required to (a) take part in the making or awarding of the contract; or (b) perform in regard to that contract some official function requiring the exercise of discretion. In such a situation, the Board member cannot cure the conflict of interest or avoid violating the law by abstaining from voting on the contract as a member of the Board. The Board intends this paragraph to parallel the scope of [section 946.13\(1\)\(a\)](#), including all statutory exceptions and exclusions (e.g., for contracts under a certain aggregate value) that exist to the conduct prohibited therein. Board members are cautioned that violations of section 946.13(1) are a criminal felony. Further, submitting an application for District employment for certain positions while serving as a Board member may be construed as one type of private-capacity conduct that could potentially violate section 946.13(1)(a).
2. A Board member may not, in his/her public or official capacity, participate in making or entering into a contract or other transaction involving receipts or expenditures on behalf of the District if such Board member has a direct or indirect private pecuniary interest in such contract or transaction. A Board member shall also avoid taking any action or performing any function in his/her official capacity that involves the exercise of discretion in regard to any such contract or transaction. The restrictions identified in this paragraph apply even if the Board member has not personally participated in the making of such contract or transaction in his/her private capacity. Should such a pecuniary interest exist, the Board member shall abstain from all consideration (e.g., debate/discussion) and action (e.g., voting) concerning the matter. In regard to some contracts, a Board member's violation of this paragraph may also be a violation of section 946.13(1)(b) of the state statutes.
3. In the event a Board member is employed by a corporation or business which furnishes goods or services to the District, the Board member shall declare his/her association with the organization and refrain from both debating and voting upon the question of the contract or transaction, and he/she shall also comply with the prohibition outlined in item (1) of this policy. Except where applicable law would prohibit the transaction or the making of the contract, it is not the intent of this paragraph to prevent the District from contracting with corporations or businesses solely because a Board member is an employee of the firm. Rather, this paragraph is intended to prevent placing a Board member in a position in which his/her interest in the public schools and interest in his/her place of employment might conflict and to avoid appearances of any conflict of interest, even though such conflict may not exist.
4. All members of the Board are required to adhere to the statutory Code of Ethics for Local Government Officials ("Code"), including the requirement that no Board member may use his/her position or office to obtain financial gain or anything of substantial value for the private benefit of him/herself, his/her immediate family, or for an organization with which he/she is associated. Another example of conduct prohibited by the statutory Code is that no Board member may solicit or accept from any person, directly or indirectly, anything of value if it (1) could reasonably be expected to influence the Board member's vote, official actions, or judgment, or (2) could reasonably be considered as a reward for any official action or inaction on the part of the Board member. In the event that a Board member receives (e.g., in an unsolicited fashion) any item that the Board member is prohibited by law from accepting or retaining, the Code identifies a list of acceptable methods of divesting of the item. The Board intends that the definitions found in [Subchapter III](#) of Chapter 19 of the state statutes be used to define specific terms that are used in this paragraph.

