

M.S.A.D. #46

POLICY Board Member Conflict of Interest CODE BBFA

A Board member shall not have direct or indirect pecuniary (as defined by law) in a contract with the school unit, nor shall he/she furnish directly any labor, equipment, or supplies to the unit.

In the event that a Board member is employed by a corporation or business, or has a secondary interest in a corporation or business which furnishes goods or services to the schools, the Board member shall declare his/her secondary interest and refrain from debating or voting upon the question of contracting with the company.

It is not the intent of this policy to prevent the school unit from contracting with corporations or businesses because of a Board member is an employee of the firm. The policy is designed to prevent the placing of Board members in a position where their interest in public schools and their interest in their places of employment (or other indirect interest) might conflict, and to avoid appearances of conflict of interest even though such conflict may not exist.

A Board member may not, during the time the member serves on the Board and for one year after the member ceases 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 the action of the Board during the time the member serves on the Board.

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.

A member of the Board, or spouse of a member, may not service 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 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.

Code of Conduct for Federally Funded Projects

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 the Board's policy DJH – Purchasing and Contracting: Procurement Staff Code of Conduct.

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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.
- C. “Pecuniary interest” means an interest measured in money or relating to money. An official is deemed to have a pecuniary interest when the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least 10% interest in the business or other economic entity.

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

Cross Reference: BCA – Board Member Code of Ethics
DJH – Purchasing and Contracting: Procurement Staff Code of Conduct

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