

## **PROCEDURES RELATING TO SCHOOL BOARD MEMBER CONFLICTS OF INTEREST**

### Procedures for Abstention Due to a Conflict of Interest or Potential Conflict of Interest

When a School Board member abstains from voting and otherwise participating in a matter due to an actual or potential conflict of interest or due to actual or potential personal bias in a matter, including situations in which a Board member concludes, regardless of any specific legal requirement, that he/she will voluntarily refrain from participating in any such matter (e.g., to avoid undermining public confidence in the Board's actions, decisions, or judgment), these procedures will be followed:

1. If present at a meeting where the matter in question is going to be addressed, the Board member who will not be participating in the matter will declare their non-participation at the meeting(s) and should normally do so no later than just before the Board (or committee) begins to directly address the relevant item of business.
2. Non-participation means that the Board member will not (a) discuss or debate the matter; (b) make recommendations on the matter; (c) make motions or vote on the matter; or (d) otherwise use his/her public office to attempt to influence the decision of the Board (or committee) or the District's course of action.
3. The Board strongly encourages any member who is not participating in a matter due to an actual or potential conflict interest or due to concerns with possible bias to temporarily leave the meeting room for the time period during which the Board (or committee) is addressing the matter in question.
4. The Board member's non-participation (including his/her departure from the meeting room if applicable) shall be expressly identified and recorded in the minutes of the meeting.

If a Board member refuses to avoid participating in a matter notwithstanding the Board's (or a committee's) approval of a specific motion requesting abstention based on the Board's (or committee's) conclusion that abstention appears to be the legally-required course of action, the motion, vote, and the refusal to abstain shall be expressly identified and recorded in the minutes of the meeting.

### Procedures Intended to Facilitate the Identification, Assessment, and Potential Resolution of Conflicts of Interest or Potential Conflicts of Interest

Although each individual Board member is ultimately responsible for personally identifying and taking appropriate action with respect to his/her own conflicts of interest, in any situation in which it comes to the attention of the Board President or District Administrator that a possible conflict of interest may arise or has arisen under Board policy or applicable state law involving one or more Board members:

- The Board President (or the Vice President if the President is the member with the possible conflict of interest) may direct the District Administrator to seek, on behalf of the Board/District, a legal interpretation and/or advisory opinion from the District's legal counsel, which, upon the advice of counsel, may further involve seeking an opinion from the Ethics Commission and/or the Office of the Attorney General.
- The Board, at a properly noticed meeting, may direct the Board President or District Administrator to seek, on behalf of the Board/District, a legal interpretation and/or advisory opinion from the District's legal counsel, the Ethics Commission, and/or the Office of the Attorney General.

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If the best available information indicates that a conflict of interest will exist for any Board member in a particular matter, the Board expects the individual Board member to take such action as is necessary to remedy or avoid the conflict (e.g., by abstaining from both debating and voting upon the issue(s)).

In the event a question has arisen after-the-fact as to the propriety, under Board policy or under applicable law, of a Board member's prior participation in debate or voting (or the performance of some other official function) in any matter, the purpose of seeking advice from the District's legal counsel may include (1) determining how to assess the outcome of voting in light of any abstention or failure to abstain, and (2) determining whether it is in the District's best interest for the Board to, for example, consider rescission of any prior action, to take action on the matter in question a second time without the participation of one or more Board members, or to simply permit an original vote to stand.

Nothing in these procedures precludes an individual Board member from seeking advice or counsel on his/her own behalf regarding a matter which he/she is or may become a party, including by seeking advice from the Board member's personal attorney or from the Ethics Commission, provided that in seeking such advice or counsel he/she does not improperly disclose any confidential District information, such as legally-protected student records or legal advice that is subject to any attorney-client privilege held by the District.

**ADOPTED:** January 12, 2017