



SECTION B: School Board Governance And Operations

BCB-G Governing Board Conflict of Interest

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Reviewed: 4/21/2017

Revised: 5/19/2017

BCB-G Governing Board Conflict of Interest

- A. Public office is a trust created in the interest of the common good and for the benefit of the people. A conflict of interest can arise when a public officer is unable to devote himself/herself with complete loyalty and singleness of purpose to the general public interest.
- B. For purposes of this policy, the Governing Board declares that a conflict of interest is a personal, pecuniary interest that is immediate, definite and demonstrable and which is or may be in conflict with the public interest.
 1. If a Board member has a personal or financial interest in any matter being considered by the Board, the member shall disclose such interest to the Board shall not vote on the matter and shall not attempt to influence the decisions of other Board members.
 2. A member of the Board shall not also be an employee of the District, nor shall a member receive any compensation for services rendered to the District. This provision shall not prohibit members from receiving reimbursement for authorized expenses incurred during the performance of board duties.
 3. The Board shall not enter into any contract with any of its members or with a firm in which a member has a financial interest.
 4. A Board member is expected to avoid conflict of interest in the exercise of the member's fiduciary responsibility. Accordingly, a Board member may not:
 - a. Disclose or use confidential information acquired during the performance of official duties as a means to further the Board member's own personal financial interests or the interests of a member of the Board member's immediate family
 - b. Accept a gift of substantial value or economic benefit which would tend to improperly influence a reasonable person, or which the Board member knows or should know is primarily for the purpose of a reward for official action
 - c. Engage in a substantial financial transaction for private business purposes with a person whom the Board member directly supervises
 - d. perform an official act which directly confers an economic benefit on a business in which the Board member has a substantial financial interest or is engaged as a counsel, consultant, representative or agent

- C. The Governing Board shall not enter into any contract with any of its members or with a firm or corporation in which a member has a financial interest unless one or more of the following apply:
1. The contract is awarded to the lowest responsible bidder based on competitive bidding procedures.
 2. The merchandise is sold to the highest bidder at a public auction.
 3. The transaction involves investing or depositing money in a financial institution which is in the business of loaning money or receiving money.
 4. If, because of geographic restrictions, the schools could not otherwise reasonably afford the contract because the additional cost to the schools would be greater than 10 percent of the contract with the interested member or if the contract is for services that must be performed within a limited time period and no other contractor can perform the services.
 5. If the contract is one in which the Governing Board member has disclosed a personal interest and is one on which he/she has not voted or has voted as allowed in state law following disclosure to the secretary of state and to the Governing Board.
- D. Except as described above, a Governing Board member shall not be a purchaser at any sale or a vendor for any purchase made by the district.
- E. A member of the Governing Board may request an advisory opinion from the Secretary of State concerning issues relating to his/her conduct and potential conflict of interest.
- F. Each Board member will sign and acknowledge this policy annually at the May Board Meeting.

LEGAL REFS.:

- 20 U.S.C. §1681* (Title VII, Education Amendments of 1972)
- 20 U.S.C. §1701-1758* (Equal Employment Opportunity Act of 1972)
- 29 U.S.C. §621 et seq.* (Age Discrimination in Employment Act of 1967)
- 29 U.S.C. §701 et seq.* (Section 504 of the Rehabilitation Act of 1973)
- 42 U.S.C. §12101 et seq.* (Title II of the Americans with Disabilities Act)
- 42 U.S.C. §2000d* (Title VI of the Civil Rights Act of 1964, as amended in 1972)
- 42 U.S.C. §2000e* (Title VII of the Civil Rights Act of 1964)
- 42 U.S.C. §2000ff et seq.* (Genetic Information Nondiscrimination Act of 2008)
- 34 C.F.R. Part 100*
- C.R.S. 2-4-401(13.5)* (definition of sexual orientation)
- C.R.S. 18-9-121* (bias-motivated crimes)
- C.R.S. 22-32-109(1)(II)* (Board duty to adopt written policies prohibiting discrimination)
- C.R.S. 24-34-301(7)* (definition of sexual orientation)
- C.R.S. 24-34-301 et seq.* (Colorado Civil Rights Division)
- C.R.S. 24-34-401 et seq.* (discriminatory or unfair employment practices)
- C.R.S. 24-34-601* (unlawful discrimination in places of public accommodation)
- C.R.S. 24-34-602* (penalty and civil liability for unlawful discrimination)