

**BOARD MEMBER
CONFLICT OF INTEREST**

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Policy Number: 2121

Rescinds Policy Number:

Issued:

Board members are expected to maintain high standards in exercising their judgment in decisions affecting the education of the children entrusted to the Orange County Schools and the efficient operation of the school system. Board members owe their loyalty to the public trust invested in them for these purposes and thus have a duty to disclose any interest that might conflict with the exercise of their judgment or any interest that might give the appearance of such a conflict pursuant to this policy.

All board members are subject to the criminal laws related to conflicts of interest in public office, including strict restrictions against having a pecuniary interest in any business of the board. In addition, board members will not let any personal or business interest interfere with their duties as public officials, including ethical duties as specified in policy 2120, Code of Ethics for School Board Members.

A member of the board will not do any of the following:

1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;
2. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board; or
3. solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract.

A board member is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A board member is involved in making a contract if he or she participates in the development of the specifications or terms of the contract or participates in the preparation or award of the contract.

A board member derives a direct benefit from a contract if the board member or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board of education and the spouse of a board member. However, the board member involved will not deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract.

A board member has a clear conflict of interest in any decision where an immediate family member does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board of education and an immediate family member. However, the board member involved will not deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract. An immediate family includes not only the spouse of a board member, but also a child, parent, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandmother, grandfather, grandson, granddaughter, stepmother and stepfather of a board member.

Legal References: G.S. 14-234; 133-32

Cross References: Code of Ethics for School Board Members (policy 2120), Employee Conflict of Interest (policy 7730)