Policy

**BOARD MEMBER CONFLICT OF INTEREST**

*Cod*e **BCB** *Issued* **1/19**

Board members believe that board membership is an act of public service and, as such, the board strives to avoid any impropriety or the appearance of impropriety. However, a conflict of interest may arise between a board member’s personal interest and his/her responsibilities as an elected official in a matter proposed or pending before the board. Board members have a legal and ethical responsibility to avoid not only conflicts of interest, but the appearance of conflicts of interest, as well.

Board members are required to disclose any potential conflict of interest to the board. A board member with a personal or private interest in a matter proposed or pending before the board will disclose such interest to the board, will not deliberate on the matter, will not vote on the matter, and will not attempt to influence other members of the board regarding the matter.

If, in the discharge of official responsibilities, the board member is required to take an action or make a decision which affects his/her economic interest or the economic interest of a family member or an individual or business with whom he/she is associated, the board member must prepare a written statement outlining the conflict and give it to the chair of the board. The minutes of the meeting should reflect the disqualification and reasons for it.

The board member may vote on matters where he/she has no greater interest than does any other member of the board. For example, a board member may vote on a budget that includes salaries of all employees, even if the board member has a family member employed by the district. However, the board member may not vote on the contract of the family member.

The State Ethics Act provides that a public official may not have an economic interest in a contract with the district if the official is authorized to perform an official function relating to the contract. The law defines official function to include accepting bids and awarding contracts.

A board member may provide services or sell products to the district in which he/she serves, provided all transactions are in accordance with the State Ethics Act and the board member is excluded from deliberating or voting on the matter.

A board member may not participate in an action relating to the discipline of his/her family member.

# Nepotism

No immediate family member (parent, child, brother, or sister) of a board member will be employed as a teacher without the written approval of the board. This does not apply to teachers employed before his/her family member became a member of the board.

**Employment and Volunteering Prohibited**

A board member may not receive pay as a teacher of a public school, or otherwise be employed, in the same school district where he/she serves. This includes employment handled through third party entities such as temporary agencies that place substitute teachers. A board member is not permitted to serve in a volunteer position in the district as he/she would have responsibility for a curricular, co-curricular, extracurricular program or activity, or students and would report directly to the superintendent, principal, athletic director, or other school administrator.

Adopted 1/29/19

Legal References:

A. S.C. Constitution:

1. Article XVII, Section 1A - Dual office holding prohibited.

B. S.C. Code of Laws, 1976, as amended:

1. Section 8-13-100, *et seq*. - Ethics, Government Accountability, and Campaign Reform Act.
2. Section 59-19-300 - Prohibits receiving pay as teacher in same district where serving on board.
3. Section 59-25-10 - Prohibits board from employing members of immediate family as a teacher, with exceptions.
4. Section 59-31-590 - Prohibits service as agent of school book publisher.
5. Section 59-69-260 - Authorizes board members to provide services or sell products to the district so long as these transactions are in accordance with state ethical provision of law.