

Conflict of Interest – Board Appointed Committees

Members of Board appointed committees must be able to make recommendations objectively. It is the responsibility of each committee member to be aware of an actual or potential conflict of interest. It is also the responsibility of each committee member to take the action necessary to eliminate such a conflict of interest. Should a conflict of interest arise, a committee member should not participate in any action relating to the issue from which the conflict arose. A Board appointed committee member shall disclose and abstain from discussing or voting on any item that may be a potential conflict of interest.

Each Board appointed committee member shall sign a “Conflict of Interest Disclosure” form at the first committee meeting of the fiscal year. The disclosure form will be maintained by the Board Secretary’s Office.

Conflicts of Interest would include but not necessarily be limited to the following:

- Receiving direct or indirect compensation from the District, unless exempted in this regulation, for anything other than reimbursement of actual and necessary expenses, including travel, incurred in the performance of official duties.
- Acting as an agent for a school textbook or school supply company, or for a company which provides any other goods or services which does business with the District during the committee member's term of office.
- Conducting District business with the spouse of a committee member during the term of the committee member.
- Engaging directly or indirectly (through a committee member personally or committee member’s immediate family members) in any outside employment or activity which is in conflict with the committee member's official duties and responsibilities. (See definition of immediate family below.)
- Committee member’s personal or spouse/child’s ownership of or employment by an organization doing business with the District. (Employment may not cause vacation of position yet requires disclosure on the conflict of interest disclosure form.)

Generally, the following would NOT be considered a conflict of interest:

- Participation in a contract that is a bond, note or other obligation of a school corporation if the contract is not acquired directly from the school corporation, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract.
- Participation in a contract in which a committee member has an interest solely by reason of employment if the contract was made by competitive bid, in writing, publicly invited and opened, or if the affected committee member’s remuneration for employment will not be directly affected as a result of the contract and duties of employment do not involve any of the preparation or procurement of any part of the contract and the affected committee member abstains from voting on the contract.
- Receiving compensation from the District for contracts to purchase goods or services if the benefit to the committee member does not exceed \$6,000 in a fiscal year. A committee member shall disclose and abstain from voting on any item that may be a potential conflict of interest.

(For purposes of this regulation, immediate family members include: one’s parents, step-parents, siblings, spouse, children, step-children, foster children, in-laws, sibling in-laws, grandparents, great grandparents, step-great grandparents, grandchildren, aunts, uncles, nieces, and nephews.)

In determining whether outside employment or activity of a committee member or a committee member's immediate family creates a conflict of interest, situations in which an unacceptable conflict of interest is deemed to exist include, but are not limited to, any of the following:

- (1) The outside employment or activity involves the use of the District's time, facilities, equipment and supplies or the use of the District badge, uniform, business card or other evidence of office to give the committee member or member of the committee member's immediate family an advantage or pecuniary benefit that is not available to other members of the general public.
- (2) The outside employment or activity involves the receipt of, promise of, or acceptance of more or other consideration by the committee member or a member of the Committee member's immediate family from anyone other than the state or the District for the performance of any act that the Committee member would be required or expected to perform as part of the Committee member's regular duties or during the hours in which the Committee member performs service or work for the District.
- (3) The outside employment or activity is subject to the official control, inspection, review, audit, or enforcement authority of the Committee member, during the performance of the Committee member's duties of office or employment.

If the outside employment or activity is employment or activity in (1) or (2) above, the Committee member must cease the employment of or activity. If the activity or employment falls under (3), then the Committee member must:

- Cease the outside employment or activity; or,
- Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. Official action or official duty includes, but is not limited to, participating in any vote, taking action to influence any vote, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.)

Code of Iowa: §§ 39.1, .2, 68B, 71.1, 277.27, 279.7A 301.28
1990 Op. Att'y Gen. 37
1988 Op. Att'y Gen. 21
1986 Op. Att'y Gen. 10
1984 Op. Att'y Gen. 23
1982 Op. Att'y Gen. 302
1978 Op. Att'y Gen. 295
1976 Op. Att'y Gen. 89
1974 Op. Att'y Gen. 137
1936 Op. Att'y Gen. 237

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