

BOARD MEMBER CONFLICT OF INTEREST

A Board member shall not have any direct personal and pecuniary interest in a contract with the school district, nor shall he or she furnish directly any labor, equipment, or supplies to the District.

A Board member who has 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. Additionally, Board members should refrain from engaging in conduct or actions that give the appearance of a conflict of interest, embarrass the Board, or personally embarrass another Board member.

It is not the intent of this policy to prevent the District from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his or her interest in the public schools and his or her interest in his or her place of employment (or other indirect interest) might conflict, and to avoid appearances of conflict of interest even though such conflict may not exist.

The Board may employ a teacher or other employee if that teacher or other employee is the father, mother, brother, sister, wife, husband, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of the Superintendent or any member of the Board. This paragraph shall also apply to any other person who shares the expenses of daily living with the Superintendent or any member of the Board. Such a relationship will not automatically disqualify a job applicant from employment with the school district.

However, the Board member shall declare his/her relationship with the job applicant and will refrain from debating, discussing, or voting on a nomination or other issue. In the case where the relationship is with the Superintendent, the Superintendent shall disclose the relationship to the Board as early as possible in the recruitment/selection process for the open position or in the case of someone currently employed by the district, before recommending any job related action pertaining to the individual. The Board shall determine whether, were the candidate selected, the supervisor-subordinate relationship between the Superintendent and the prospective employee will be sufficiently indirect to not disqualify the candidate. If not disqualified, and prior to candidates for the position being screened and a nominee being selected, or the Board approving any job related action, the Superintendent and the Board shall agree on a mechanism to address the conflict of interest. Where practical, the Board may designate another district staff member to fulfill the role of the Superintendent for the selection of a nominee for the position or take appropriate alternative steps. The job applicant is expected to declare his/her relationship with the Board member or Superintendent as well.

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Legal References:

RSA 671:18, Qualifications

Marsh v. Hanover, 113 NH 667 (1973)

Atherton v. Concord 109 NH 164 (1968)

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