

Book	Policy Manual
Section	Policy 42.No. 1 - AUGUST 2023 UPDATES
Title	Vol. 42, No. 1 - August 2023 Revised CONFLICT OF INTEREST
Code	po0141.2.revised
Status	
Adopted	December 19, 2012
Last Revised	December 17, 2018

Revised Bylaw - Vol. 42, No. 1

0141.2 - CONFLICT OF INTEREST

A Board member shall not have any direct or indirect pecuniary interest in a contract with the District; nor shall a Board members/he furnish directly any labor, equipment, or supplies to the District; nor shall a Board members/he be employed by the Board in any capacity for compensation.

In the event a Board member is employed by a corporation, business, political subdivision, or a public or private institution of higher education corporation or business which furnishes goods or services to the School District, the Board member shall declare their/his/her association with the organization and refrain from debating or voting upon the question of the contract. 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 a Board member's/his/her interest in the public schools and his/her interest in their/his/her place of employment might conflict and to avoid appearances of conflict of interest even though such conflict may not exist.

Among the conflicts which law specifically forbids:

- A. the prosecuting attorney or city attorney from serving on the Board of Education;
- B. a Board member from serving as the school dentist, physician, or nurse;
- C. a Board member from being employed for compensation by the Board;
- D. a Board member from having, directly or indirectly, any pecuniary interest in any contract with the Board;
- E. a Board member from accepting a reward, gift, or reduction in price for favoring, recommending, or advocating the introduction, adoption, or use in the school of a textbook, map, chart, or any other school supply;
- F. a Board member, for a period of one (1) year after leaving office, from accepting employment with the Board where such employment was authorized by the Board while a Board members/he was a member thereof;
- G. a Board member from soliciting or using the authority or influence of the/his/her office to secure employment with the Board;
- H. a Board member from voting, deliberating, participating in discussions, or otherwise using the authority or influence of the/his/her office to create a position with the School District or to set the compensation for such position where the Board members/he is considering, or is being considered for, employment in that position;
- I. a Board member from having an interest in a contract for the purchase of property, supplies, or fire insurance by any county, township, municipal corporation, board of education, or public institution anywhere in the State of Ohio, if such contract exceeds \$150 unless the contract is let by competitive bidding;
- J. a Board member from being involved in any aspect of the hiring process including, but not limited to, discussing, deliberating, interviewing, or voting on a contract with that person as a teacher or instructor if the Board members/he is related to that person as spouse, father, mother, step-parent, brother, sister, minor child, step-child, grandparent, grandchild, or any other person related by blood or marriage that resides in the same household as the Board member;
- K. a Board member from authorizing or using the authority or influence of office to secure authorization of a public contract in which the Board member, a member of their/his/her family, or any of their/his/her business associates has an interest;
- L. a Board member from authorizing or using the authority or influence of office to secure the investment of public funds in any share, bond, mortgage, or other security in which the Board member, any member of their/his/her family, or any of their/his/her business associates have an interest, or receives any brokerage, origination or servicing fees, or is an

underwriter;

- M. a Board member from having an interest in the profits or benefits of a public contract entered into by the District with which a Board member~~s/he~~ is connected;
- N. a Board member from using the authority or influence of office to secure anything of value or the promise of anything of value to the Board member, from soliciting or accepting anything of value that is of such a character as to manifest an improper and substantial influence upon the Board member with respect to the Board member's~~his/h~~er duties.

Board members shall not accept any form of compensation from a vendor or other improper source that is seeking to do business with the District, is doing business with the District, is regulated by or interested in matters before the District. In addition, Board members shall not enter into a contractual arrangement with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual Board member receives compensation in any form for services rendered. Such compensation or things of value are not limited to, cash, check, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a Board member receives such compensation, the Board member shall immediately notify the Treasurer, in writing, that ~~they/s/he~~ received such compensation and shall thereafter promptly transmit such compensation to the Treasurer.

Nothing herein shall prevent a Board member who attends a conference held by an association of public officials and employees from accepting a meal, or attending a reception or open house, the cost of which is financed by a private party so long as the meal, reception, or open house is: 1) of an ordinary, routine character; 2) at an educational or informational event; and 3) open to all of the public officials and employees attending the event. A Board member is prohibited from improperly using ~~their/his/her~~ position to secure the donation of the cost of a meal, reception, or open house at a conference of an association of public officials and employees to which the Board members~~/he~~ or ~~their/his/her~~ Board belongs, while the Board member is simultaneously engaged in governmental business or regulatory activity directly affecting the related interests of the person solicited.

A Board member whose spouse is an employee in the District may not vote, authorize, or use the influence of ~~his/her~~ office to secure approval of an employment contract with the Board member's~~his/her~~ spouse. Neither may the Board members~~/he~~ vote, deliberate, discuss, or otherwise attempt to influence a collectively-bargained, negotiated agreement affecting ~~their/his/her~~ spouse if the spouse is an officer, executive committee member, or member of the negotiating team or committee of the employee organization or if the agreement includes provisions for health insurance under which said Board member is covered as a benefit of the spouse's employment.

Board members are responsible for knowledge of the ethics law applicable to their public service as an elected official in the State of Ohio. Board members should seek guidance on the application of Ohio's ethics law prior to acting. This policy is an overview, not a complete statement of Ohio's ethics laws.

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Legal

R.C. 102.03(D)(E)(F), 2921.42(A)(3), 2921.44(D-F),

R.C. 2921.02, 3313.13, 3313.33, 3313.70, 3319.21

Ohio Ethics Commission Advisory Opinion No. 2002-02 (6/13/2002)