

BBFA

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.

In the event that a Board member is employed by a corporation or business, or has a secondary interest in a corporation or business which furnishes goods or services to the School District, the Board member shall declare his/her interest and refrain from debating, discussing, or voting upon the question of contracting with the company.

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/her interest in the public schools and his/her interest in his/her place of employment (or other indirect interest) might conflict, and to avoid appearance of conflict of interest even though such conflict may not exist.

A Board member that is employed by or has an interest in a business that represents individual students within the School District would be considered a conflict of interest, based on this policy.

In accordance with Rochester City Charter, Section 72, No School Board member, appointive officer or employee of the Rochester School Department shall participate in any decision concerning the business of the City in which he/she has an interest which conflicts with his/her official duties and responsibilities. Such Board member, officer or employee may participate in such discussion if:

- A. He or she files a written, detailed declaration of his/her conflicting interest with the City Clerk, who shall distribute copies thereof to all members of the School Board; and
- B. The School Board votes to authorize such participation.

No School Board member shall vote upon any matter where he/she or a member of his/her immediate household would be directly affected financially or personally. The term "member of his/her household" shall be deemed to include a spouse or any child or stepchild who resides within the same premises.

As to any School Board Member, the Chair of the School Board may disqualify him/her from voting on any issue where the Chair perceives a conflict of interest, either on his/her own or at the suggestion of another School Board member. A School Board member who has been so disqualified may appeal such disqualification to the Board, and upon two-thirds (2/3) vote of the entire Board, the disqualification shall be removed. In any vote appealing such a disqualification, the Chair, as well as the affected member, shall be included as part of the number of which two-thirds (2/3) is required. Further, they shall be entitled, each of them, to vote upon the appeal.

Legal Reference: Marsh v. Hanover, 113 NH 667 (1973)
Atherton v. Concord, 109 NH 164 (1968)
Rochester City Charter, Section 72 (1990) as amended by Referendum of 11/5/91, effective 7/1/92

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