

DRAFT REVISION: July 2010 MMSD Policies and Procedures: 1540

POLICY

ETHICS

1540

Board of Education

School Board Ethics

The Board functions most effectively when individual Board Members adhere to acceptable professional behavior. To promote acceptable conduct of the Board, Board Members should:

1. Recognize that the Board of Education shall act in the best interests of the community and its students.
2. Attend all official meetings of the Board. If a Board Member is unable to attend a meeting, the Board Member will notify the Board President or Superintendent prior to the meeting.
3. Review relevant information prior to meetings and be appropriately prepared to positively contribute to the discussion regarding the agenda. Exercise judgment in requesting information from the Superintendent and staff by, for example, weighing in mind the potential benefit of the requested information against the likely burden imposed on staff to assemble it, and expressly indicating the priority/urgency of a request for information when submitting the request.
4. Act on behalf of the Board only in quorum with other board members and refrain from speaking or acting for the Board unless otherwise directed by a majority of the Board.
5. Base voting decisions on the board member's independent judgment of the best interests of the district and its students, while giving open-minded and fair consideration to the views of other board members, and thereafter support the majority decision of the Board.
6. Recognize that authority rests with the Board of Education and neither board members nor individuals will make any personal promises nor take any private action that may compromise the Board.
7. Respect the division of responsibilities between the Board as a policy making and monitoring body and the superintendent and administration as those responsible for implementing the Board's policies and for the district's day-to-day operations.
8. Model the type of respectful, informed, and open-minded discussion and consideration of issues that board members would like to see reflected throughout all levels of the district and its schools.
9. Conduct themselves at all times in ways likely to engender public confidence in the prudence of the Board's management of the district and the quality of the education available to the district's students.
10. The Board shall be responsible for the Board's performance and will monitor and regularly discuss the Board's involvement in continuous improvement and adherence to the Board's Code of Ethics.

School Board Ethics

The following is the manner in which the Madison Metropolitan School District Board of Education is expected to conduct itself.

WASB PUBLIC RESPONSIBILITIES FOR SCHOOL BOARD MEMBERS

As a representative of all the citizens in my District, I am responsible for serving the best interests of the community and its students, utilizing all available resources toward that end. My oath of office requires me to uphold the laws and Constitutions of the United States and State of Wisconsin; but, in addition to that, I shall keep in mind that:

1. I can act only when in official Board session; except, as an officer, I may take actions necessary to fulfill my duties.
2. I should attend all meetings and be prepared at those meetings to act on issues before the Board. I should be prepared to contribute to the discussion, while keeping an open mind during the deliberations. Once the decision is made, I should be willing to support and promote its implementation.
3. I must avoid all conflicts of interest, both pecuniary and nonpecuniary.
4. I must remember that responsibilities for overall management and control of the property and affairs, including the development of policies, belong to the School Board while the responsibilities for the day-to-day operation of the school belong to the administration. Together, the School Board and the administration must work to continually identify the needs, goals, and priorities of the District.
5. I must be responsive to the public, maintaining open communication lines with my fellow citizens in the community, informing them on the educational needs of the District, as well as on actions of the Board and accomplishments of the District's educational program.
6. I am a local legislator, but I must work under state and federal laws. I should communicate with state and federal legislators concerning the problems and needs involved in providing a quality education.
7. I must consider the School Board's role as the District's employer, making sure the District has able and well-qualified employees who will serve in the best interest of the students. (This includes providing for staff development and evaluation.)

AS A MEMBER OF MY LOCAL BOARD OF EDUCATION, I WILL STRIVE TO IMPROVE PUBLIC EDUCATION, AND TO THAT END, I WILL:

1. ~~Attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;~~
2. ~~Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;~~
3. ~~Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;~~
4. ~~Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;~~
5. ~~Work with other Board members to establish effective Board Policies and to delegate authority for the administration of the schools to the Superintendent;~~
6. ~~Communicate to other Board members and the Superintendent expressions of public reaction to Board Policies and school programs;~~
7. ~~Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards associations;~~
8. ~~Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;~~
9. ~~Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain;~~
10. ~~Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law; and~~
11. ~~Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.~~

11/5/79

[From the National School Boards Association Code of Ethics for School Board Members, as furnished by the Wisconsin Association of School Boards Madison office.]

MADISON SCHOOL BOARD ETHICS

1. ~~The Board hereby acknowledges the legal rights of individuals elected to the school board (1) to accept campaign contributions in accordance with the law; and (2) to publicly express their opinions regarding the merits and fitness of an individual campaigning to serve as a school board member.~~

~~2. However, the Board believes in promoting for itself a high ethical standard without infringing on the legal rights of individual Board members. Consistent with that belief, the Board feels that individual Board members should avoid real or perceived conflicts of interests in regard to the two beliefs statements enumerated below which are related to an individual Board member's acceptance of campaign contributions from Political Action Committees and endorsement/denouncement of candidates campaigning to be a member of the school board.~~

~~a. Board members should avoid taking campaign contributions from political action committees or any other groups that are likely to benefit from action that might be taken by a Board member; and~~

~~b. Board members should avoid publicly endorsing or denouncing the candidacy of a person who is campaigning to be elected to the school board.~~

12/07/92

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12/07/92

Gifts, Expense Reimbursement

1. No employee may accept or solicit for personal use a gift worth more than token value from a pupil or parent of a pupil who is not a relative. The Superintendent may grant exceptions in extenuating circumstances such as cases of bereavement, illness, or death.
2. No employee may accept or solicit a gift from any source if such acceptance either could reasonably be expected to influence the employee's exercise of judgment in the performance of her/his duties or could reasonably be considered as a reward for any official action.
3. No employee shall accept or solicit any gift from a District vendor for the employee's personal use unless such gift is either offered to the general public or is not given to the employee because of her/his employment with the District.
4. No employee with District purchasing authority shall accept anything of value from any party other than the district in conjunction with attendance at a demonstration or promotion of goods or services offered for sale to the District.
5. No employee may use her/his employment with the District to obtain for personal use anything of substantial value from any party other than the District.

Use of District Resources

1. Except as provided in Policy 8221 - Copyright, or available to the general public, no employee shall use District property, resources, facilities, equipment, supplies, services, or time-in-pay status for personal use, personal financial gain, or to promote any political candidate, party, or cause.

Conflict of Interest

1. No employee may engage in other employment or independent contracting which is incompatible with the proper discharge of her or his District duties, or would tend to influence her/his judgment or action in the performance of her/his duties.
2. No employee whose non-District employment or independent contracting is compensated by a District vendor shall participate in or attempt to influence the District's purchasing process in matters involving such vendor.
3. No employee shall participate in or attempt to influence any District decision-making process in which s/he has a substantial personal or financial interest.

4. No employee may use her/his employment with the District in a way that produces or assists in the production of a substantial benefit for the employee.

PROCEDURE

CODE OF CONDUCT

9000A
Ethics

1. When serving in a public office interferes with District employment, a leave shall be requested by the employee.
2. An employee who enters into an employment or independent contractor agreement with a District vendor shall file a disclosure form with the Assistant Superintendent for Business Services, or her/his designee, within 30 days after entering into that agreement, and annually thereafter while such agreement remains in effect.
3. An employee who receives any gift or other thing of value which the employee is prohibited from accepting under this policy shall either return it to the donor or turn it over to the Assistant Superintendent for Business or his/her designee.
4. Board members, the Superintendent, the Assistant Superintendent for Business Services, and all employees with District purchasing authority shall (1) file a Statement of Economic Interests with the Legal Counsel of the Board prior to April 30th of each year and (2) file a disclosure form with the Assistant Superintendent for Business Services or her/his designee within 30 days after entering into an employment or independent contractor agreement contemplating annual compensation of \$1,000.00 or more.

Sanctions

Employees violating this policy or procedure are subject to discipline, up to and including dismissal. Board members who fail to file the required Statement of Economic Interest shall not be paid until such filing is effected.

Definitions

1. "Employee" is defined as the School Board, citizen members (except students of School Board committees), and all persons who receive wages from the District who are under any contract for hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed.
2. "Personal use" includes use by an immediate family member and/or use by an organization with which the employee is associated. The definition of "personal use" does not include campaign contributions.
3. "Exercise of judgment" includes, but is not limited to, votes, official action, and inaction.

4. "Substantial personal interest" or "substantial benefit" to the employee includes, but is not limited to, such interest or benefit that an immediate family member has, as well as an interest in an organization with which the employee is associated.
5. "Gift" includes a loan, service, favor, gratuity, premiums, discount, or anything else of value.

~~12/6/04~~DATE OF REVISION

Board of Education Code of Conduct

1. School Board members shall uphold their oath of office honor and comply with all federal, state and local laws and regulations applicable to the School Board and individual members of the School Board, including: the Code of Ethics for local governmental officials.
 - a. Understanding and complying with the open meetings law, as set forth in sections 19.81 to 19.98 of the Wisconsin Statutes [link to statutes];
 - b. Understanding and complying with the Code of Ethics for local government officials as set forth in sections 19.41 to 19.59 of the Wisconsin Statutes [link to statutes];
 - c. Understanding and complying with sections 946.10, 946.12 and 946.13 of the Wisconsin Statutes [link to statutes];
 - d. Understanding and adhering to his/her duties as the custodian of the records associated with his/her individual elected office (e.g., communications sent/received as an individual Board Member), pursuant to Section 19.33 of the Wisconsin Statutes [link to statutes].
2. School Board members shall avoid conflicts of interest and should attempt to avoid or the appearance of a conflicts of interest.
3. Unless authorized by the Board, no School Board member shall disclose confidential or privileged information, with the intent that this ethical and fiduciary duty shall continue after a Board Member leaves his/her elected office, including confidential or privileged information that was presented or discussed in a closed session of the Board or Board Committee.
3. No School Board member may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for any organization with which he or she is associated.
4. A School Board member shall only expend School District funds when such expenditure has a public purpose.
5. No School Board member may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the School Board member's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the School Board member. This paragraph does not prohibit a School Board member from engaging in outside employment.
6. No School Board member holding an elective office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer to promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending

~~matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any other person who is subject to a registration requirement under s. 11.05, or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.~~

~~7. No School Board member may:~~

- ~~a. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest; or~~
- ~~b. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.~~

~~This Paragraph 8 above does not prohibit a School Board member from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses.~~

~~8. In the School Board member's private capacity, the School Board member shall not negotiate or bid for or enter into a contract in which the School Board member has a private pecuniary interest, direct or indirect, if at the same time, the School Board member is authorized or required by law to participate as a School Board member in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on the part of the School Board member;~~

~~9. In the School Board member's capacity as School Board member, the School Board member shall not participate in the making of a contract in which the School Board has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of the School Board member.~~

~~10. A School Board member shall not:~~

- ~~a. Intentionally fail to refuse to perform a known mandatory, nondiscretionary, ministerial duty of the School Board member's office within the time or in the manner required by law;~~
- ~~b. In the School Board member's capacity as a School Board member, by act of commission or omission, exercise a discretionary power in a manner inconsistent with the duties of the School Board member's office or the rights of others and with intent to obtain a dishonest advantage for the School Board members or another;~~

~~c. In the School Board member's capacity as a School Board member, make an entry in an account or record book or return, certificate, report, or statement which in a material respect the School Board member intentionally falsifies;~~

~~d. Under color of the School Board member's office, intentionally solicit or accept for the performance of any service or duty anything of value which the School Board member knows is greater or less than is fixed by law; or~~

~~e. In the School Board member's capacity as a School Board member, act in a manner that the School Board member knows is in excess of his/her lawful authority or which the School Board member knows that he/she is forbidden by law to do in the School Board member's official capacity.~~

~~11. No School Board member shall directly or indirectly accept or offer to accept any property or personal advantage, which the School Board member is not authorized to receive, pursuant to an understanding that the School Board member will act in a certain manner in relation to any matter which by law is pending or might come before the School Board member in the School Board member's capacity as a School Board member or that the School Board member will do or omit to do any act in violation of the School Board member's lawful duty.~~

~~s. 19.59; 946.10; 946.12; 946.13~~

~~12/6/04~~DATE OF REVISION

