



BOARD OF EDUCATION

Maya Cole, President Beth Moss, Vice President Ed Hughes, Clerk James Howard, Treasurer Lucy Mathiak, Member Marjorie Passman, Member Arlene Silveira, Member

To: Members of the Ad Hoc Committee on Ethics

From: Ed Hughes, Member

Date: August 26, 2010

Subject: ETHICS POLICY CHANGES

Presently we do not have a policy that describes expectations regarding the performance of School Board members. The Committee developed this list on the basis of similar policies adopted by other Boards as well as our own discussion of what our expectations are for each other. The Committee members were able to reach consensus on these expectations fairly quickly.

Expectation No. 4 refers to information requests. We realize that current MMSD Policy 1515 also refers to information requests, but our thinking was that the existing policy addresses the obligation of the superintendent to respond to information requests. We do not currently have a policy that addresses a Board member's obligation to exercise judgment in submitting information requests.

Expectation No. 10 is meant to convey that School Board members hold their positions 24-hours a day and have a responsibility to the Board always to avoid behavior that would cast the Board or the District in a poor light.

The final sentence of proposed Policy 1540 is meant to convey that neither the superintendent nor any other district employee has a responsibility to monitor or address problems of Board Member performance; the Board as a whole is responsible for each Board member's performance. If an issue arises, it should be dealt with by the Board under the leadership of the Board President.

We simplified the Code of Conduct that is applicable to the Board, Policy 9000B. State law imposes a number of obligations on School Board members. The current Code of Conduct largely duplicates some but not all of the applicable language from the state statutes.

We thought it made more sense simply to identify the particular statutes with which Board Members must comply. Our intent is that current copies of the statutes would be included in a package of orientation materials for new Board Members. We decided against parroting the language of the statutes, because the options were to either copy the statutes verbatim, and so add nothing, or to make some changes, and so engender confusion. Also, providing citations to the relevant statutes rather than duplicating their language eliminates the need to update our policies whenever there is a change in the statutes.

At the suggestion of legal counsel, we added a reference to Board Members complying with the Open Records law. In the course of discussing this obligation with legal counsel, the Committee members came to think it would be good if legal counsel could provide brief refresher information to Board Members about their Open Records responsibilities, particularly with respect to email and other forms of correspondence.

Legal Counsel also thought we might want to consider amending Policy 9000A to remove the requirement that Board members file annual statements of economic interest. I'm also attaching a copy of a revised Policy 9000A that reflects this change.

Here is what legal counsel said about this:

90000A was not expressly addressed by the ad hoc committee but it occurred to me that it is a related issue that might be addressed at the same time as the Board is considering other policy issues related to conflicts of interest.

In Paragraph 4 of the Procedure Section of 9000A, I would suggest that the Board expressly consider whether to continue to require each individual Board member to fill out the annual statement of economic interested. It has become somewhat harder in the last few years to obtain complete participation by all Board members. The Board should either (1) remove the requirements as applied to Board members (and perhaps staff members as well); or (2) reaffirm their interest in and commitment to completing such annual submissions.

To the extent the Board continues to require anyone to file the annual statements, it may be worth examining whether the historical form still captures what the Board believes is valuable/important.

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.
4. 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 by expressly indicating the priority/urgency of a request for information when submitting the request.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.

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.

DRAFT REVISION: July 2010
MMSD Policies and Procedures: 9000A

POLICY	CODE OF CONDUCT	9000A Ethics
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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
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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. 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.

DATE OF REVISION

DRAFT REVISION: July 2010
MMSD Policies and Procedures: 9000B

POLICY

CODE OF CONDUCT

9000B
Ethics

Board of Education Code of Conduct

1. School Board members shall uphold their oath of office and comply with all laws and regulations applicable to the School Board and individual members of the School Board including:
 - 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 the provisions of the criminal code pertaining to bribery, misconduct in public office and private interest in public contracts, 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 the appearance of a conflict of interest.
3. Unless authorized by the Board, no School Board member shall disclose confidential or privileged information. This ethical and fiduciary duty shall continue after a Board Member leaves his/her elected office with respect to confidential or privileged information learned during the School Board member's tenure in office.

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