

COMMITTEE MEMBER CONFLICT OF INTEREST

The conduct of School Committee members where a possible conflict of interest exists is regulated by Chapter 268A of the Massachusetts General Laws. The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees (defined to include School Committee members) may do on the job, after hours, and after leaving public service.

Each year, School Committee members must be given a summary of the conflict of interest law prepared by the State Ethics Commission and every two years, they must complete an online training program prepared by the Commission.

It is incumbent upon the School Committee Members to be familiar with the conflict of interest laws. Questions regarding the laws and how they are applied should be directed to the Massachusetts State Ethics Commission.

Some examples of situations in which conflicts of interest arise:

1. A member of the School Committee member's immediate family is an employee of the school district

In general, if a member of the School Committee is a member of the immediate family (the member's spouse and their parents, children, brothers and sisters) of a person in the employ of the schools, the member of the School Committee may not participate in any way in a matter which may affect the financial interest (wages, hours or conditions of employment) of such employee of the schools, except that the member of the School Committee may vote on a consolidated budget which includes an appropriation for salaries or other benefits for the group to which the member of the immediate family belongs so long as the School Committee member has no participation of any kind in the discussion or approval of that portion of the budget.

The School Committee member may vote on other line items that do not affect the financial interest of a family member and the whole budget, including salaries, once the following procedure has been followed: the board must identify the budget line item that includes the family member's salary and vote on it separately. The School Committee member must abstain from the line item's discussion and vote. After all such conflicts are dealt with through this line item procedure, the board may then vote on the budget as a whole package, with all members participating in the final vote to approve the "bottom line."

Further, a member of the School Committee may not participate in a grievance proceeding affecting a member of the immediate family, negotiations concerning employees in the bargaining unit which represents a family member, executive sessions concerning negotiating

strategies with that particular unit, or other matter directly affecting or involving the member of the immediate family who is an employee of the schools.

Finally, the member of the School Committee should leave the room whenever an issue involving a member of the immediate family arises.

Reference is made to Graham v. McGrail, 370 Mass. 133 (1976), for guidance with respect to the conduct of a School Committee member, a member of whose immediate family is employed by the school system.

2. A School Committee Member's child is on a sports team and the School Committee is voting on fees which affect that sports team

The Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure.

3. A School Committee Member is a Board Member or employee of an organization that rents space from the District

A School Committee member may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or **a business organization of which he is a director, officer, trustee, or employee has a financial interest**. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

CROSS REFS: BCA, School Committee Member Ethics
 BIA, New School Committee Member Orientation

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Acton-Boxborough Regional School District