

BOARD MEMBER CONDUCT AND ETHICS

Public office is a trust created by the confidence which the public places in the integrity of its public officers. To preserve this confidence, and in accordance with state law, Board members shall act as fiduciaries in carrying out their duties for the benefit of the people of the District.

Consistent with these principles, a Board member shall not:

1. Disclose or use confidential information acquired in the course of official duties to further substantially his or her personal financial interests;
2. Accept a gift of substantial value, or substantial economic benefit tantamount to a gift of substantial value, which would tend to improperly influence a reasonable person in the member's position or which the member knows or should know is primarily for the purpose of rewarding him or her for official action taken;
3. Engage in a substantial financial transaction for the member's private business purposes with a person whom the member supervises in the course of his or her official duties; or
4. Perform an official act which directly and substantially confers an economic benefit on a business or other undertaking in which the member has a substantial financial interest or is engaged as a counsel, consultant, representative, or agent.

As used in this policy, the terms "substantial" and "substantially" shall mean of real worth and importance or of material significance as measured by reference to local community standards.

The phrase "economic benefit tantamount to a gift of substantial value" includes a loan at a rate of interest substantially lower than the prevailing commercial rate and compensation received for private services rendered at a rate substantially exceeding the fair market value.

It is permissible for a Board member to receive:

1. An occasional nonpecuniary gift which is insignificant in value;
2. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;

3. Payment or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which the member is scheduled to participate;
4. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is not extraordinary when viewed in light of the member's position;
5. Items of perishable or nonpermanent value, including, but not limited to, occasional meals, lodging, travel expenses, or tickets to sporting, recreational, educational, or cultural events;
6. Payment for speeches, appearances, or publications reported in accordance with the public official disclosure law; or
7. Campaign contributions and contributions in kind which are reported in accordance with state law.

It shall not be considered a breach of conduct for a Board member to:

1. Use District facilities and equipment to communicate or correspond with constituents, family members, or business associates.
2. Accept or receive a benefit as an indirect consequence of transacting District business.

The following ethical principles are guides to conduct and do not constitute violations of the public trust of office:

1. A Board member should not acquire or hold an interest in any business or undertaking which he or she has reason to believe may be directly and substantially affected to its economic detriment by official action to be taken by an agency over which he or she has substantive authority.
2. A Board member should not, within six months following the termination of his or her office, obtain employment in which the member will take direct advantage, unavailable to others, of matters with which the member was directly involved during his or her term of office. These matters include rules, other than rules of general application, which the member actively helped to formulate and applications, claims, or contested cases in the consideration of which the member was an active participant.

3. A Board member should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the member has a substantial financial interest in a competing firm or undertaking.

Any question which a Board member has concerning the potential application of this policy may be referred to the Board of Education and/or the Secretary of State for an advisory opinion or guidance.

Adopted: October 18, 1988

Revised: March 5, 1991

Revised: November 19, 2002

LEGAL REFS.:

C.R.S. 1-45-101 et seq. (Fair Campaign Practices Act)

C.R.S. 24-6-203 (Public Official Disclosure Act)

C.R.S. 24-18-104

C.R.S. 24-18-105

C.R.S. 24-18-109

CROSS REFS.:

GP 4, Board Commitments

GP 4.1, Code of Conduct

GP 4.2, Code of Covenants

BCB, Board Member Conflicts of Interest

BE/BEA/BEB, Board Operations

Douglas County School District Re. 1, Castle Rock, Colorado