

BOARD ETHICS REGULATION

In order to implement the board ethics policy (BA), the **Apple Creek** School Board hereby adopts the following rules and procedures.

To implement items 4 and 12 of the board ethics policy related to board member roles and responsibilities, board members shall:

- Comply with the district's policy on board member visits to schools (BFD) and the district's policy on visitors in school (KAF), which prohibit unannounced visits to schools and prohibit visits for the purposes of directing or evaluating school staff
- Focus on policy adoption and strategic planning; the superintendent is responsible for policy implementation
- Not provide directives or feedback to school personnel and not attempt to evaluate them; the Board, as a collective body, may provide directives to the Superintendent and shall evaluate him/her in accordance with law
- Not review school personnel files without the permission of the Board President with the exception of the superintendent's file
- Only perform the responsibilities assigned to them through state law or board policy; board members should annually review district policies and state laws governing board responsibilities and authority to ensure compliance with them including, but not limited to, NDCC 15.1-09-33 and the following policies: **[list policies that board members should review annually; NDSBA suggests that board members review policies on board ethics (BA), board communication with the public (BGA), agenda preparation (BCAA), procedure for adopting policy (BDA), public participation at board meetings (BCBA), hiring and firing district employees (CABB, DBAA, DBAC, and DKBA), and patron complaints about personnel (KACB)]**; if policy or statute is silent on a matter, board members shall assume that they have no authority to act

To implement item 5 of the board ethics policy related to cooperation, board members shall:

- Actively participate at board meetings and allow all board members to have an equal opportunity to speak and offer their perspectives
- Be willing to concede when casting a minority vote and be willing to publically support or at least not undermine the decision of the majority of the Board
- Be willing to respectfully listen and consider all perspectives at the board table
- Correspond/communicate with fellow board members, administration, and other school personnel in a professional manner inside and outside the boardroom
- Follow parliamentary procedure at board meetings including, but not limited to, not talking out of turn or over one another
- Not use board discussion time as a forum for personally criticizing fellow board members

When deemed appropriate by the Board President, board members shall be provided with three minutes to speak or ask questions about an agenda item and

three minutes for follow-up comments and questions after every board member has had an opportunity to speak

To implement items 6 and 15 of the board ethics policy related to nonpartisan decision making, board members shall:

- Determine if a conflict of interest exists as follows:
 - An individual board member shall first consider criteria contained in the conflict of interest laws (NDCC 15.1-07-17 and 44-04-22) and the following factors to determine if s/he has a conflict of interest:
 - Is there a substantial personal or financial benefit to the board member?
 - Is there likely capacity to tempt the school board member to depart from his or her public duty of acting in the best interests of the community?
 - If the individual board member is uncertain of whether or not s/he has a conflict, s/he is authorized to contact NDSBA legal counsel or the state's attorney to assist with making this determination
 - If the individual board member determines that there is a conflict of interest, the board member shall declare it to the board in accordance with applicable law
- Avoid making pledges to members of the public concerning an upcoming or past board agenda item and reserve decision making for board meetings after having a chance to hear all perspectives
- Not attempt to judge other board members' motives or reasons for voting in support of or in opposition to a matter before the Board
- Not use discussion at board meetings to promote a personal agenda; board members should engage in discussion aimed at determining how each agenda item benefits the district as a whole and furthers the district's strategic plan
- Send questions on agenda items to the Superintendent for clarification and request any additional material needed to inform decision making from the Superintendent

To implement items 8 and 11 of the board ethics policy related to individual versus collective board authority and where such authority is appropriately exercised, board members shall:

- Clarify, when speaking to the public about board matters, that they are speaking individually and that individual board members have no authority to act on their own
- Comply with state law on open meetings and records when engaged in correspondence or communication with board members inside and outside of board meetings; official board action must only occur at properly noticed board meetings where at least a quorum of the board is present
- Not issue or engage in official communication of the Board or District unless delegated such authority through board action or policy; official communication may take the form of correspondence with the press, publishing statements on the district's website or social media sites, and/or written or verbal correspondence with students, parents, school staff, or other community members

- Not represent themselves to the public or school employees as have official authority to act on behalf of the Board unless delegated such authority through board action or policy

Violations and Sanctions

When a board member violates the board ethics policy or regulation, the Board President may:

- Meet with the errant board member to remind him/her of the requirements contained in the board ethics policy and regulation
- Place the board ethics policy and regulation on the board agenda for review and reaffirmation by the Board
- Issue an official statement clarifying that the board member acted without board authority
- If the policy or regulation has been repeatedly or substantially violated, request that the Board publically censure the errant board member through a {2/3rds} majority vote

If the errant board member is a board officer (e.g., president or vice president), the board should review its policy on board officers (BBBA) to determine if there are grounds for removing the board member from this role.

End of Apple Creek School Board Regulation.....Adopted: February 8, 2016