

Policy Title: 4.5. Board Member's Code of Conduct Monitoring Report

Prepared by Sarah McClain

April 29, 2019

The Board commits itself and its Members to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as Board Members.

Interpretation: We interpret "The Board commits itself and its members to ethical, businesslike, and lawful conduct" to mean the Board, as a whole, and its Members are expected to act/operate in an honorable, upstanding, professional and law abiding manner. Any and all work of the Board will be respectful in nature.

Conclusion: **I report compliance.** As witnessed regularly at Board meetings all members demonstrate appropriate behavior throughout the meetings. Discussion is respectable regardless of an individual's stand on an issue/topic.

1. Members must demonstrate loyalty to the ownership, unconflicted by loyalties to staff, other organizations, or any personal interests.

Interpretation: Members will act as trustees of the organization, and show loyalty to the organization, students and the community. The Board's loyalty should take priority over any loyalties to staff, other organizations or any personal interests. Board Members shall avoid conflicts of interest.

Conclusion: **I report compliance.** The Board continues to focus on the ENDS when making decisions. This is evidenced by the adoption of the 19-20 budget. The Board supported the recommendations that would continue to achieve the ENDS and the benefits for students, while factoring in the community values.

2. Members must avoid conflict of interest with respect to their fiduciary responsibility.

a. There will be no self-dealing or business by a member with the organization. Members will annually disclose their involvements with other organizations or with vendors and any associations that might be reasonably seen as representing a conflict of interest.

b. When the Board is to decide on an issue about which a Member has an unavoidable conflict of interest, that Member shall absent herself or himself without comment not only from the vote but also from the deliberation.

c. Board Members will not use their Board position to obtain employment in the organization for themselves, family members, or close associates. A Board Member who applies for employment must first resign from the Board.

Interpretation: We interpret "conflict of interest" to mean a situation when a Board Member's private interest (as distinguished from the Board Member's interest as a member of the general public) would benefit from or be harmed by his/her actions as a member of the Board. We interpret "**Members must**

avoid conflict of interest with respect to their fiduciary responsibility” to mean that Board Members, as trustees of the organization/District, shall operate with care to avoid a situation that is believed to create a risk for the organization or its operation. Board Members shall avoid conflicts of interest and shall be cognizant of the potential for perception of a conflict of interest and will disclose matters that may be conflicts to the Board. This includes: Board Members dealing with the organization (i.e. working for the district). Board Members must disclose any affiliations with the organization or vendors, that may be seen as a conflict. When an unpreventable conflict of interest is identified, the concerned Board Member(s) shall remove him/herself from any discussion/consideration about the issue, without participating in the deliberative discussion, and without voting.

Conclusion: I report compliance. The private interests of Members have not had an effect on the Board’s work. No Board Members are employed by the district and no members have disclosed any affiliations that may be seen as conflicts.

- 3. Board Members may not attempt to exercise individual authority over the organization.**
- a. Member’s interaction with the Superintendent or with staff must recognize the lack of authority vested in individuals except when explicitly authorized by the Board.**
 - b. Member’s interactions with the public, the press, or other entities must recognize the same limitation and the inability of any Board Member to speak for the Board except to repeat explicitly stated Board decisions.**
 - c. Except for participation in Board deliberation about whether the Superintendent has achieved any reasonable interpretation of Board policy, members will not express individual judgments of performance of employees or the Superintendent.**

Interpretation: We interpret “**Board Members may not attempt to exercise individual authority over the organization**” to mean Board Members shall not act individually to direct or control the organization (school district) or Superintendent. Board Members’ only authority is while at the Board Table during the course of an authorized Board Meeting. A Board Member as a single person has no authority to direct or charge, unless authority is given by the Board. Any Board Member interactions with the public, press or other organizations, must follow the same guidelines. Individual Board Members cannot speak for the Board, unless delegated by the Board, but may discuss and convey stated Board decisions. Individual Board Members shall communicate Board decisions when representing the Board’s position. Individual Board Members may speak for themselves and express their personal opinions, but must be clear that any such communications is their individual opinion and not a Board opinion. In any and all communications the Board Member must respect and support Board’s decisions and the Board process.

Conclusion: I report compliance. No members have attempted to direct the Superintendent, as reported by Board Chair. Board Members engage in diverse, respectful discussions at the Board table. Regardless of an individual Member’s position on an issue, there is no evidence that demonstrates they expressed those views to the public as a Board decision.

4. Members will respect the confidentiality appropriate to issues of a sensitive nature and other matters that may compromise the integrity or legal standing of the Board and district, including matters discussed in executive session.

Interpretation: We interpret “**Members will respect the confidentiality appropriate to issues of a sensitive nature and other matters that may compromise the integrity or legal standing of the Board and district, including matters discussed in executive session**” to mean Board Members will refrain from discussing and/or disclosing information discovered in the course of their work as Board Members that are sensitive in nature or may compromise the integrity or legal standing of the Board. Sensitive in nature includes personnel, student, medical or other information of a sensitive private matter. Matters that may compromise the legal standing of the Board may include contacts and contractual negotiations, real estate dealings, legal council or other matters that may compromise the integrity or legal standing of the Board and the district. This includes information shared in executive session.

Conclusion: I report compliance. Board Members have refrained from disclosing matters of student issues, staff issues, personnel evaluation, contract issues, and legal matters in public session. One way this is demonstrated is the use of Executive Session in our meeting agenda. Board Members have also refrained from sharing sensitive information outside of Executive Session.

5. Board Members acknowledge that the way in which they choose to exercise a right to express personal views can affect the Board’s ability to work together effectively. Board Members aspire to:

- a. Honor the right of individual members of the Board to communicate with community members when the information shared reflects recognized public knowledge.**
- b. Make every reasonable effort to protect the integrity of the work of the Board, the District and one another.**

Interpretation: We interpret “**Board Members acknowledge that the way in which they choose to exercise a right to express personal views can affect the Board’s ability to work together effectively**” to mean that Board Members have the right to communicate their personal views on issues, but will communicate information to the community in a manner that supports the Board and organization. In all communications Board Members should make every attempt to safeguard and advance the positive image of the work of the Board and one another.

Conclusion: I report compliance. Board Members participate and share their personal views during Board discussions. The work with Policy Governance has established a common ground around the Board’s approach to self governing. Board Member’s continued understanding of this approach has allowed Board Members to have thoughtful discussions, and whether they all agree or not, in the end they support the Board’s work and advance a positive image of the organization.

6. Members will be properly prepared for Board deliberation.

Interpretation: We interpret “**Members will be properly prepared for Board deliberation**” to mean Board Members will take all necessary action to get ready for any work they are undertaking.

Conclusion: I report compliance. Board Members attend meetings prepared and ready to work at the Board table. Board Members individually reach out to the Board Chair when clarification is required on process or specific agenda items.

7. Members will support the legitimacy and authority of the final determination of the Board on any matter, irrespective of the Member’s personal position on the issue.

Interpretation: We interpret “**Members will support the legitimacy and authority of the final determination of the Board on any matter, irrespective of the Member’s personal position on the issue**” to mean that no matter what a Board Member’s personal stand is on an issue or decision, they will respect and recognize the legitimacy of the Board’s process and authority.

Conclusion: I report compliance. Regardless of a Member's personal view, they have supported the Board and their process to come to the decision. Evidence of this can be found by looking at Board decisions with divided votes, some Members did not agree, voted accordingly and yet still recognized the Board’s process and decision.

Monitoring Worksheet for 4.5. Board Member's Code of Conduct

This worksheet is intended to assist you in assessing the monitoring report, and expediting RELEVANT discussion at the Board meeting. For EACH ITEM and sub-item in the attached monitoring report, please note your responses to the following questions:

Policy Number	Based on the information provided: Do you find that the interpretation is reasonable?		Based on the information provided; Does the data demonstrate the accomplishment of this interpretation?		If NO, note your reasons for concerns and questions or clarifications needed
	YES	NO	YES	NO	
4.5. Board Member's Code of Conduct					

Is there sufficient evidence to indicate compliance with the WHOLE Policy (including the opening statement, not just portions of it?)	YES	NO
Is there any reason to doubt the integrity of the information presented?	YES	NO
Having reviewed the monitoring report, does anything you have learned make you consider whether the POLICY ITSELF should be amended/revised?	YES	NO
Is the timing of this monitoring report appropriate?	YES	NO

Person completing the review: _____ Date: _____

MAUSD Board Monitoring Report
Policy Number: (A4.5)
Policy Title: Board Member's Code of Conduct
Month and year: April 2019

OFFICIAL BOARD OF EDUCATION RESPONSE

Comments/Questions:

Based upon the information provided, does the Board find that:

...the Board's interpretation is reasonable?

Yes _____ No _____

... data demonstrates accomplishment of this interpretation?

Yes _____ No _____

If not, what other evidence does the Board request?

Board Chair Signature

Date

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OFFICIAL BOARD OF EDUCATION RESPONSE

Comments/Questions:

Based upon the information provided, does the Board find that:

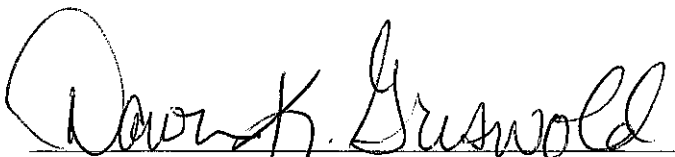
...the Board's interpretation is reasonable?

Yes No

... data demonstrates accomplishment of this interpretation?

Yes No

If not, what other evidence does the Board request?

 4/29/19
Board Chair Signature Date