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To: Members of the Board of Education
From: Doug Larson
Re: First Reading
Date: January 27, 2016

Policy and Legal Services will present a First Reading during the next Board of Education meeting.

Article II.C. Board of Education Commitments and Ethics

The Board wanted to reconsider its commitments and ethics policy. The revisions in this policy were made after making a survey of several district policies within the State of Utah and some district policies from other states. The revisions are intended to cover all critical elements of compliance mandated by federal and state laws with respect to the work of the Board and the nature of Board member conduct.

Article II.C. Board of Education Commitments and Ethics

A. Commitments of Board Members

In order to fulfill its statutory obligations, the Board and its individual members ~~shall~~ commit to certain standards of conduct. ~~The Board members~~ shall

1. Strive to make policy in the interest of all children of the District and always work for the educational welfare of students
2. Recognize and reward excellence in student achievement, teacher performance, and administrative leadership
3. Appoint the most competent person available as superintendent of schools and ~~then~~ hold that superintendent responsible for the administration of the school program within the organizational structure ~~and official lines of communication in of~~ the District
4. Promulgate policies and procedures dedicated to maintaining a learning and working environment in the District free of discrimination and unlawful harassment, including sexual harassment, provide for training of District students and employees on anti-discrimination and harassment, and implement appropriate disciplinary measures to prevent and correct discrimination and unlawful harassment
35. Seek to employ the best qualified personnel available without discrimination as to race; color; sex; pregnancy (including childbirth or pregnancy related conditions); religion; national origin; age (if the individual is 40 years of age or older); marital status; disability; sexual orientation; or gender identity—except when justified to meet a bona fide occupational requirement (*see* 20 U.S.C. 1681 *et seq.*; Utah Code, §34A-5-101 *et seq.*; and Utah Administrative Code, R277-112)
46. Promulgate policy and procedure to ensure operational transparency including directing employees to maintain, manage, and where appropriate, produce student and/or public records consistent with federal and state laws (*see* 20 U.S.C. § 1232g; 34 CFR Part 99; Utah Code, 63-2-101 *et seq.*)
57. Conduct Board business in compliance with the *Utah Open Meetings Act* (Utah Code, §52-4-1 *et seq.*)
8. Respect the confidentiality of information obtained in executive sessions or otherwise obtained in an official capacity and refrain from disclosing information that may be injurious to the District, schools, students, or patrons ~~Not disclose information acquired in the official position nor discuss confidential matters from executive sessions outside of the executive session except privately with another Board member or the superintendent.~~

- 69. ~~Allow Support and allow administrators, teachers, and staff to function in their authorized capacities in carrying out the District's vision and mission policies.~~
- 710. Exercise Board authority exclusively to perform legislative and judicial functions
- ~~8. Guard against using membership on the Board for personal gain or prestige.~~
- ~~9. Respect the rights of others to hold and openly express opinions on all educational issues.~~
- 11. Encourage free expression of opinion by all Board members and District staff and seek regular communication and feedback from the public. Ascertain the needs and attitudes of the entire District community and help reflect such through educational and programing.
- ~~13. Support the superintendent and other employees as they carry out Board policies while not disrupting the superintendent's orderly operation of the school program or giving direction outside of the organizational structure and official lines of communication in the District~~
- ~~14. Strive to maintain positive relationships with other Board members and the superintendent.~~
- ~~15. Act in a manner consistent with the fiduciary responsibilities of an elected official and community leader.~~
- ~~16. Strive to correct perceived problems in a professional manner.~~
- ~~17. Perform assignments and duties as established by the Board to the best of the Board member's abilities.~~

B. Board of Education Code of Ethics

- 1. Members of the Board will receive compensation for services and necessary expenses in accordance with ~~reimburse its members for authorized expenses~~ (Utah Code, §53A-3-202).
- 2. Members of the Board may not use their positions, or information acquired by reason of their positions, to secure special privileges or benefits for themselves or others (in accordance with Utah Code, §67-16-4).
- 3. The Board will officially accept gifts and donations for the District; such acceptance, however, shall not obligate the Board to act in any way contrary to the best interests of students and the public. Further, the Board or its members shall not request, demand, or accept personally or on behalf of the District, a loan, donation, gift of substantial value, or an economic benefit tantamount to a gift in violation of Utah Code, §§67-16-5 to 5.6.

~~34. The Board shall not offer or deliver any gift or loan of public funds or equipment to individuals or private organizations.~~ The Board and its members shall not misappropriate or misuse public funds or resources in any manner and shall be responsible fiscal managers of public funds. Expenditure of such funds shall only be made in accordance with federal or state law and District policies.

~~5. Members of the Board shall disclose any compensation or any position (whether officer, director, agent, employee, or owner of a substantial interest) in any business entity that does business with or is subject to the regulations governing a public agency in a sworn affidavit and file it with the state attorney general, the District, and any other agency involved in the business or transaction consistent with Utah Code, §§67-16-6 to 8. Further, members of the Board shall not have personal investments or conduct business creating a conflict of interest between their private interests and their public duties in violation of Utah Code, §67-16-9.~~

~~75. Individual members of the Board shall:~~

- ~~a. take no private action that will conflict with or compromise the mission and purpose of the State public school system, the Board, or District the administration; and avoid being placed in a position of conflict of interest;~~
- ~~b. understand that individual Board members have no authority and that the Board only exercises its authority as a body by taking official action through voting in a duly scheduled Board meeting;~~
- ~~c. attend Board meetings insofar as possible being informed and prepared to discuss and act upon the items on the Board agenda;~~
- ~~d. work to be an effective educational leader by participating in professional development, studying education issues, fulfilling assigned Board duties, building relationships with community organizations and leaders, communicating with constituents, and advocating for public education;~~
- ~~e. work toward consensus, support decisions of the Board, and foster respectful and civil working relationships with other Board members and with the superintendent and District staff, recognizing diversity of perspective, leadership, and management style are beneficial to the work of the Board;~~
- ~~f. articulate to the superintendent and other Board members material complaints or concerns raised by any member of the public and work toward resolution; and~~
- ~~g. abide by state and federal laws and District policies and refrain from personal or professional conduct that would bring censure, ridicule, damage, or reproach upon the Board or the District.~~

~~base decisions on available fact and independent judgment and refuse to surrender that judgment to individuals or special interest groups;~~

~~c. keep an open mind and be willing to evaluate and accept new concepts;~~

~~d. respond to factual persuasion rather than personal influence;~~

~~e. listen objectively to constructive criticism and practice the art of compromise;~~

~~f. share the responsibility for all Board decisions, regardless of personal vote;~~

~~g. operate as an advocate of the Board, its members, and its decisions and quell negativity;~~

~~h. respect the confidentiality of information that is privileged or protected; and~~

~~i. refrain from undermining the authority of the superintendent or intruding into spheres of responsibility that properly belong to the District and school administration.~~