



Policy & Legal Services  
2500 S. State Street  
Salt Lake City, UT 84115

PHONE: 385-646-4009  
FAX: 385-646-4351  
[www.graniteschools.org](http://www.graniteschools.org)

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To: Members of the Board of Education  
From: Doug Larson  
Re: Second Reading  
Date: February 24, 2016

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

**Article II.C. Board of Education Commitments and Ethics**

The Board suggested revisions to the policy read in the First Reading. I have attempted to capture those suggestions in this updated version. I simplified the language in several provisions and made it reflect the intent of state statutes. I attempted to strike a balance in other provisions between the competing interests of the Board in maintaining a healthy and democratic dialogue, allowing Board members to disagree and dissent, while protecting and fostering a healthy respect among Board members and a clear understanding that the Board takes official action in concert as a single body. Lastly, I simplified the format of the policy and cut it down to two sections—one for commitments and one for ethics.

Article II.C. Board of Education Commitments and Ethics

A. Commitments of Board Members

The Board and its members, as duly elected officials, commit to standards of conduct that are consistent with the public trust placed in them individually and as a Board. Accordingly, the Board and its members will:

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

1. strive to make policies ~~in the interest of all children of the District~~ that promote the educational growth and development of all students;
- ~~2. Recognize and reward excellence in student achievement, teacher performance, and administrative leadership~~
- ~~32. Appoint endeavor to appoint~~ the most competent person available as superintendent of schools and hold that superintendent responsible for carrying out the vision, mission, and goals of the District and the administration of the its schools; program within the organizational structure and official lines of communication in the District
- ~~43.~~ support and allow administrators, teachers, and staff to function in their authorized capacities and hold employees responsible for carrying out the District's vision, mission, and goals in their respective roles;
- ~~54.~~ seek to employ the best qualified personnel available without ~~discrimination as regard~~ 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);
5. 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~~
- ~~476.~~ promulgate policies and procedures to ensure operational transparency, including directing employees to maintain, manage, and where appropriate, produce records consistent with federal and state laws (*see* 20 U.S.C. §1232g; 34 C.F.R. Part 99; and Utah Code, §63-2-101 *et seq.*);

7. attend Board meetings, insofar as possible, being informed and prepared to discuss and act upon the items on the Board agenda;
58. conduct Board business in compliance with the *Utah Open Meetings Act* (Utah Code, §52-4-1 *et seq.*);
9. ~~Respect the confidentiality of information obtained in executive session or other confidential information 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.~~
- 7.9. exercise Board authority exclusively to perform legislative and judicial functions;
410. encourage free expression of opinion and seek regular communication and feedback from the public;
11. work toward consensus in Board decision making and foster respectful and civil working relationships with other Board members and with the superintendent and District staff while recognizing the value of diverse perspectives and differences of opinion; and
12. strive to be effective educational leaders 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.

B. Board of Education Code of Ethics

1. Members of the Board may receive compensation for services and necessary expenses in accordance with Utah Code, §53A-3-202.
2. Members of the Board may not use their positions, or information acquired by reason of their positions, for any improper or unlawful purpose including substantially furthering to secure personal economic interests or securing special privileges or benefits for themselves or others that would impair the members' independent judgement or interfere with the ethical performance of the members' duties (in violation of 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 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 the District or other 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 substantial conflict of interest between their private interests and their public duties in violation of Utah Code, §67-16-9.
6. Members of the Board shall maintain the confidentiality of information obtained in executive session or other confidential information otherwise obtained in an official capacity.
7. Members of the Board shall understand that they have no individual authority to act on behalf of the Board and the Board only exercises its authority as a body by taking official action through voting in a duly scheduled Board meeting. Individual members of the Board should not speak for or on behalf of the Board without prior Board approval.
8. Members of the Board shall 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.