

ARTICLE IV—MEMBER ETHICS

- 1) As a body and individuals, ~~[The]~~ the Board, ~~[both as a body and as individual Members,]~~ is in a position of trust and shall act in accordance with appropriate fiduciary duties, including:
- a) following all applicable laws and regulations;
 - b) avoiding conflicts of interest;
 - c) acting in the best interest of the school children of the state~~[,]~~;
 - d) using powers or resources of public office to promote the public interest rather than for personal gain or to pursue private interests;
 - e) governing with effective and appropriate oversight to ensure that the public's business is transacted legally and transparently; and
 - f) protecting and responsibly using or disbursing public education resources.
- 2) ~~[While Members have the right to freedom of expression, members shall respect the privacy of students, USBE employees, LEA employees, and school level employees, including refraining from direct and indirect identification of such, in a negative light in any public setting, venue, or platform where there is a reasonable expectation of privacy.]~~
- Members have the right to freedom of ~~[expression]~~ speech ; ~~[however]~~ and they shall ~~[honor]~~ comply with the ~~[confidentiality of executive session]~~ ~~[improper disclosure requirements]~~ confidentiality provisions of ~~[required by]~~ Article VII(19)(c) and the improper disclosure requirements of Section 67-16-4 ~~[of these bylaws]~~.
- 3) Members ~~[shall]~~ may not ~~[engage]~~ act in a manner that ~~[may]~~ causes legal harm or creates substantial risk to the Board, as determined by the Board Leadership in consultation with the Board's legal counsel.
- 4) Members shall comply with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act and ~~[UCA §]~~ Section 20A-11-16 Conflict of Interest Disclosures.
- 5) Conflicts of Interest:
- a) In Board or committee work or any matter to be voted upon by the Board a

31 conflict of interest shall be disclosed ~~[by a Member in the meeting to the~~
32 ~~Members]~~ prior to consideration of the matter.

33 i) The Committee Chair or Board Chair shall acknowledge the Member's
34 disclosed conflict of interest and ~~[either]~~:

35 A) excuse the Member with a conflict of interest from the meeting;

36 B) excuse the Member with a conflict of interest from participating
37 in the discussion or the vote; ~~[or]~~

38 C) take other appropriate action related to the matter; or
39 D) take no action.

40 b) ~~[The committee or Board Chair]~~ Any Member may disclose a ~~[n-apparent]~~
41 conflict of interest of a Member who fails to disclose a conflict and the Committee Chair
42 or Board Chair may take any action described in subsection (5)(a).

43 c) The Committee Chair or Board Chair may move to the next agenda item if the
44 Member with ~~[the]~~ a conflict of interest refuses to comply with subsection
45 (5)(a); or

46 d) give the body a chance to vote on the board chair's decision.

47 6) The Committee Chair or Board Chair shall excuse a Member with a conflict of
48 interest from a closed session during discussion of any item for which the
49 Member has a conflict of interest.

50 7) If a Member applies for a position as an employee of the Board or as a
51 Board-appointed employee of the USDB, the Member shall be recused
52 from all deliberations and voting on the matter.

53 8) A Member cannot simultaneously be an employee of USBE or the USDB
54 and a Board member in accordance with Subsection 20A-14-103(3).

55 9) Members shall sign the Conflict of Interest and Ethics Statement annually, or
56 whenever employment, interest, or ownership changes, and provide the
57 Conflict of Interest and Ethics Statement to the Board Secretary, who will post
58 it to the Board's website, and disclose as applicable:

59 a) Any employment, ownership, or directorship by the Member within a Utah
60 LEA or other entity that receives state or federal public education funds.

The Member may choose not to provide the name of the LEA or entity if the entity/LEA is a Member's client, at the Member's discretion;

b) Any employment, ownership, or directorship by the Member with a business or organization which competes for contracts, grants, or other agreements awarded by the Board, its office, the USDB, or specific LEA, if known by the Member.

10) Member Conflict of Interest and Ethics Statements are public information under GRAMA.

11) Board Fidelity and Member Expression:

~~[a) Once the Board has voted on an issue, the vote is the official position of the Board]~~

~~[b)]~~ a) Members may express personal opinions on public education issues, legislation, and areas of concern. When speaking in a public forum in which there is a reasonable expectation that a Member is speaking on behalf of the Board, individual Members shall state at the outset of their comments or statements about public education issues that their comments reflect their individual position.

~~[c) Members shall comply with a decision of the Board. Members retain the right to seek changes in such Board decisions through ethical and constructive channels, such as adding an agenda item for Board discussion.]~~

~~[12) A Member may be reprimanded, or the actions of a Member censured, for any violation of law, policy, Bylaws, or any other conduct which tends to injure the good name of the Board, following adequate due process, if appropriate. The Board or Board leadership may authorize any of the following:]~~

~~[12) Following due process, the Board may reprimand or censure a Member for any violation of law, Board policy, or Bylaws. The Board may authorize any of the following:]~~

12) A Member may, following due process and in accordance with applicable Board rules and policies, be subject to one or more of the following actions for violation of law, these Bylaws, duly adopted Board policy, or for conduct inconsistent with the duties of office.:

91 a) Actions authorized by Board Leadership

92 ~~[a)] i)~~ A conversation between the ~~[offending]~~ Member and the Board Chair,
93 Board Leadership and/ or Assistant Attorney General;

94 ~~[b)] ii)~~ A written letter to the offending Member from the Board Chair, Board
95 Leadership or the Assistant Attorney General;

96 b) Actions requiring Board action:

97 ~~[a)] i)~~ ~~[Censuring]~~ Censure of the offending Member by a public vote of the
98 Board;

99 ~~[b)] ii)~~ Prohibiting the ~~[offending]~~ Member from attending ~~[any]~~ Board advisory
100 committee meeting ~~[, as determined by the Board Chair]~~ by a two-thirds vote of the
101 Board;

102 e) Prohibiting the Member from requesting an item be placed on the agenda, ~~[,~~
103 ~~as determined by the Board Chair]~~ by a two-thirds vote of the Board;

104 f) Removing the ~~[offending]~~ Member from ~~[any or all]~~ one or more committee
105 assignments by a two-thirds vote of the Board; ~~[as determined by the Board Chair];~~ or

106 g) ~~[Taking]~~ Any other appropriate action by vote of the Board.