



# HAWAII STATE ETHICS COMMISSION

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## ETHICS GUIDE FOR CHARTER SCHOOL GOVERNING BOARD MEMBERS

Congratulations, and thank you for serving as a member of a public charter school Governing Board!

As a Governing Board member, you must now follow Hawaii's Ethics Code, a set of laws designed to ensure integrity in state government. Here are some of the key things you need to know:

- 1. Call us for advice.** The State Ethics Commission is here to help you. Any time you have a question about the Ethics Code – for example, if you're wondering whether you can (or should) do something – contact us. We have an attorney of the day ready to take your call or e-mail.
- 2. Conflicts of interests.** The Ethics Code has several major requirements, including strict rules on conflicts of interests. Remember: the Governing Board is responsible for oversight of the school, and the Governing Board is a separate legal entity from the nonprofit organization supporting the school. With that in mind:
  - The Governing Board should have a Conflicts of Interests Policy. A model policy is attached.
  - Do not take "official action" affecting any organization for which you (or your spouse/civil union partner) are an employee, officer, or director. This includes the nonprofit organization that supports the school.
  - Governing Board members should avoid sitting on the Board of Directors of any nonprofit supporting the school, particularly where the school leases property from or has other contracts with the nonprofit. If you sit on the nonprofit board and also on the Governing Board, you may be required to recuse yourself from taking action as a Governing Board member in certain situations. Please contact the Ethics Commission or the Charter School Commission for further guidance
  - If you are an employee, officer, or director of a nonprofit supporting the school, you may be required to recuse yourself from certain Governing Board matters:
    - Do not participate in any Governing Board discussions (or votes) about any lease agreements or contracts with the nonprofit;
    - Do not approve/sign school check payments issued to the nonprofit; and
    - Do not recommend or otherwise suggest that the school take action affecting the nonprofit.
  - You may not assist or represent a private employer on any matters before the Governing Board or the school. For example, if you work as a paid employee of the nonprofit organization that supports the school, then:
    - Do not represent that organization in meetings with school personnel;
    - Do not negotiate a contract or agreement with the school; and
    - Do not prepare or submit invoices from the nonprofit to the school.
  - If you work for the school, you must recuse yourself from any matters directly affecting your own employment (salary, promotion, etc.).
  - If your spouse/civil union partner or dependent child works for the school, then you may not discuss or vote on any Governing Board matters affecting their terms and conditions of employment. For that reason, we strongly advise that you not serve on the Governing Board if your spouse/civil union partner or dependent child works for the school.

The Ethics Commission has a training program specifically for Governing Boards, and we will personalize the program for your school; contact us for more information. You can also find on-line training on our website, <https://ethics.hawaii.gov/ethiconlinetraining/>

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### 3. Other ethics laws. The Ethics Code has several other major requirements, including:

- **No gifts for serving as a Governing Board member.** You may not accept any gifts where there is a reasonable inference that the gift is intended to influence you in the performance of your job. Generally, you should not accept gifts from school employees, students or their parents/guardians, or school vendors/contractors. If the school pays rent for its facilities from a nonprofit organization, you may not accept any gifts from the nonprofit. For example, in this situation, you may not accept a meal, or anything else of value, paid for by the nonprofit organization. (Teachers, on the other hand, are allowed to accept small, unsolicited gifts from students and their parents/guardians.)
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- **No extra perks for serving as a Governing Board member.** You may not use your position as a Governing Board member to gain “unwarranted” benefits for yourself or someone else. This means:
    - Do not use your position as a Governing Board member to try to get employment for yourself, your friends, or your family members at the school or at any nonprofit organization affiliated with the school. You are prohibited from hiring your spouse or your dependent children, and you cannot use your position as a Governing Board member to give preferential treatment to friends or other family members. We strongly recommend that you recuse yourself from any personnel matters involving any other close family members (siblings, parents, grandparents, adult children, aunts/uncles, and nieces/nephews).
    - Do not use your position as a Governing Board member to try to get special treatment for yourself or someone else. For example, if a member of your family is on the wait list for the school, don't use your position to try to get that person moved up on the school's wait list;
    - Do not engage in substantial financial transactions with school employees. For example, do not rent an apartment to/from an employee of the school.
    - Do not use charter school funds for personal purposes, like spending school funds on travel expenses for family members, giving loans or pay advances to employees, or using school funds for first-class airline tickets or luxury hotel stays.
    - Do not use school resources for personal purposes. For example, do not take a school iPad or lawnmower home for personal use.
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- **Do not use or disclose confidential information.** You may learn confidential information in your capacity as a Governing Board member, such as information about personnel or student misconduct. You may not disclose this information, nor may you use this information for your own benefit or anyone else's benefit.
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- **Be aware of ethics restrictions after you leave the Governing Board.** There are laws that cover what you can (and can't) do once you leave the Governing Board - these "post employment" laws apply to you even though you are a volunteer Governing Board member. For example, if you leave the Governing Board to take a job at a private company or nonprofit that does business with the school, you cannot communicate directly with the Governing Board on behalf of your new employer for one year. You are also prohibited from communicating directly with any state agency - including the Board of Education - on behalf of your new employer, if you worked on the same matters while a Governing Board member. Please contact us for advice.