

Conflict of Interest Policy and Procedures

Purpose: *The Raices del Saber Governing Board understands the significance of maintaining public trust in all financial transactions and in compliance with §22-8B-10 NMSA 1978, intends to prevent the use of public office for private gain or for the benefit of an immediate family member.*

Policy: In alignment with NMSA, 1978 Sections 22-8B-5.2, a person shall not serve as a member of the Raices Governing Board if the person or an immediate family member of the person is an owner, agent of, contractor with or otherwise has a financial interest in a for-profit or nonprofit entity with which the school contracts directly, for professional services, goods or facilities. No Governing Board member shall enter into a contract with the school or receive compensation from the school for services, other than reimbursement for board-required travel as set forth in the school bylaws.

As used in this policy, “immediate family member” means spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law or any other relative who is financially supported.

A conflict of interest exists when any school board member, employee, officer or agent or an immediate family member of the member, employee, officer or agent has a financial interest in the entity with which the school is contracting. A violation of this policy renders the contract voidable. Persons shall be deemed to have a “conflict of interest” in a contract or other transaction who have a significant, direct or indirect financial or personal interest in contracts or transactions with the school.

No member of the governing council or school employee, officer or agent shall participate in selecting, awarding or administering a contract with the school if a conflict of interest exists.

Consequences of Conflict:

Any contract or transaction entered into in violation of NMSA §10-16-1, 13-1-1, 22-8B-5.2, 22-21-1 or other relevant section, or any failure to make necessary disclosures may be cause for removal or termination. A violation renders the contract between the person or the person’s immediate family member and the school voidable at the option of the chartering authority, the Public Education Department or the governing body. A person who knowingly violates this provision may be individually liable to the school for any financial damage caused by the violation.

Procedures for Disclosure:

Each year at the Annual Board Meeting in June on the fourth Thursday of the month and prior to the time set for voting on any related transactions, each member of the Raices governing board shall sign the Annual Disclosure statement to:

1. acknowledge they have received a copy of the Conflict of Interest Policy and Procedures,
2. confirm they have read and understood the policy and procedures,
3. disclose any real or potential conflicts of interest and assure efforts to avoid undue influence or abuse of positions, and
4. agree to comply with all aspects of the policy, including the responsibility to update the conflict of interest disclosure if a new financial interest or employment occurs prior to the annual disclosure date.

Procedures for Addressing a Conflict of Interest:

When board members disclose any known or potential conflicts of interest in writing to the school's governance board s/he **shall not vote** on the matter or attempt to influence the decisions of other board members in voting on the matter. The written disclosures will be attached to the minutes of the meeting in which board action occurred relating to the matter disclosed. The Raíces Governance Board Secretary is responsible for receiving this disclosure statement for all Governance Board Members. In the event the Secretary is not available, the Chairperson of the Board will receive them. See annual governance board disclosure statement on page 116.