

DRAFT FOR DISCUSSION

Vermont State Board of Education:

Guidance for Board Members with Regard to Political Campaigns

As election season approaches, the Board determines that there is a need for guidance with regard to Board members' personal involvement in political campaigns. This document represents the consensus of the Board. This document is neither policy nor rule: it provides perspectives and guidance for Board members to manage their personal involvement in political campaigns in a manner consistent with their duties and obligations to the State Board of Education.

The Board recognizes that its members, like all Vermont citizens, are entitled to be actively involved in political campaigns. However, Board members have a special duty to limit their political and partisan involvements to the extent necessary to protect public confidence in the Board's integrity and impartiality.

In all Board matters, members should be guided by statute and the Executive Code of Ethics:

>> The State Board of Education is charged with advancing public policy for the education of Vermont's children and youth. (16 VSA § 164)

>> Public confidence in the integrity and impartiality of the Board is essential to the credibility of its deliberations and decisions. (EO # 19-17, Executive Code of Ethics)

>> The "*appearance of conflict of interest*" undermines public confidence in elected and appointed officials and their decisions. (Ibid.)

>> " 'Appearance of conflict of interest' means *the impression that a reasonable person might have ... that an appointee's judgement might be significantly influenced by outside interests...*" (Ibid.)

Public confidence is like oxygen to the Board. Without public confidence in its decisions and policies, all the Board's work is moot. Any 'appearance of conflict of interest' among Board members undermines public confidence in the entirety of the Board's work. This concern dictates that Board members' personal conduct in all matters must avoid any possibility of the 'appearance of conflict of interest'.

In most cases, a Board member's involvement in a political campaign does not, *ipso facto*, create the 'appearance of conflict of interest'. However, there are two important exceptions to this general rule:

1. the elective office being sought bears significantly on *education policy* that is to say, upon the Board's statutory area of authority;
2. the candidate's campaign positions bear significantly on *education policy*, i.e. upon the Board's statutory area of authority.

In either of these cases, a Board member's involvement in a political campaign does create the risk of "appearance of conflict of interest".

>> So, for example, if the elective office being sought has significant authority to influence, determine, or implement *education policy*, a Board member should minimize involvement with a candidate's campaign for that office in order to avoid the 'appearance of conflict of interest'.

>> Similarly, if a candidate's campaign positions significantly address problems or weaknesses in *education policy*, a Board member should minimize involvement with that candidate's campaign in order to avoid the 'appearance of conflict of interest'.

Because they are often the public voice of the Board on matters of *education policy*, the Chair and the Vice Chair of the Board have a duty to be especially attentive to possibilities of 'appearance of conflict of interest' arising from their involvement in political campaigns -- and to limit their political involvements accordingly.