

**Mansfield Board of Education  
Policy Committee Meeting Agenda  
September 9, 2013  
4:30pm Conference Room B, Beck Building**

Committee Members: Jay Rueckl, Chair, Susannah Everett, Katherine Paulhus, Carrie Silver-Bernstein

Call to Order

Hearing for Visitors

2013-2014 MBOE Policy Updates

Review of Board Policy: Religious Pluralism/Respect (P. 1)

MBOE Ethics Code (P. 9)

Adjournment



*Mansfield Board of Education Policy*

**Section:** STUDENTS

**RELIGIOUS PLURALISM/RESPECT**

The Mansfield Public Schools encourage and practice respect for all religious and cultural beliefs with impartiality. The students, faculty and administration are reminded of the pluralism of religious beliefs. Each person should be conscious of and respect the sensitivities of others. In keeping with this philosophy, accommodation for student absences for religious holidays shall be made in accordance with administrative regulations developed and implemented by the Superintendent in furtherance of this policy.

ADOPTED: 9/26/91  
REVISED: 1/27/05  
REVIEWED: 9/10/09; 9/10; 10/13/11; 9/13/12

*Mansfield Board of Education Regulation*

**Section:** STUDENTS

**RELIGIOUS PLURALISM/RESPECT  
(ADMINISTRATIVE REGULATIONS)**

In accordance with Board policy, the following procedures shall be followed with regard to student absences due to observance of religious holidays:

1. At the beginning of each school year, the parents of each student will be requested to notify the building principal of anticipated student absences due to religious holidays that fall on a day or days when school is regularly scheduled to be in session.
2. Upon notification in accordance with paragraph 1, teachers shall be notified of any anticipated absence dates.
3. Each student who is absent in accordance with these regulations shall be provided with a reasonable opportunity to make up any homework and in-school work missed during his or her absences.
4. Absences occurring in accordance with the Board's policy pertaining to Religious Pluralism/Respect and these regulations shall be considered excused absences.

REVIEWED: 9/10; 10/13/11

REVISED: 9/13/12

**Celeste N. Griffin**

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**From:** Littlefield, Anne <ALittlefield@goodwin.com>  
**Sent:** Monday, January 14, 2013 9:16 AM  
**To:** Fred A. Baruzzi  
**Subject:** RE: Religious Holidays Issue (confidential attorney client privilege)  
**Attachments:** Mansfield BOE\_Policies\_ Religion in the Public Schools.DOC

Hi Fred:

I like your existing policy, as I think that districts get tripped up by specific guidance on this subject, given the lack of clarity in the various courts' applications of the underlying constitutional law.

That said, if something more specific is desired by the district, I attach a sample for your consideration.

Anne H. Littlefield  
Shipman & Goodwin LLP



*Mansfield Board of Education Policy*

**Section:** STUDENTS

**RELIGION IN THE PUBLIC SCHOOLS**

The Mansfield Board of Education will demonstrate neutrality in matters pertaining to religion. School district personnel shall not oppose or promote religious belief or non-belief, nor demonstrate a preference be shown for one religion over another.

When religion is addressed in the district's curriculum in the context of history, culture and/or the arts, the Mansfield Public Schools will promote objectivity, religious tolerance and respect. Such teaching will be designed to foster respect, mutual understanding and sensitivity for diverse religious traditions.

Music, art, literature and drama having religious themes or a religious basis are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.

Student and employee exercise of religion and religious beliefs will be accommodated in accordance with applicable federal and state law. District policies and regulations on absences will comply with state law and Department of Education guidance, which provide for excused absences for the purpose of religious observance.

The Superintendent of Schools or his/her designee shall promulgate regulations to this policy.

Legal Reference:

First Amendment, United States Constitution

Connecticut Constitution, Article First, Sections 3, 20; Article Seventh

Connecticut General Statutes 10-16a

Connecticut General Statutes 10-29a

Connecticut General Statutes Section 10-230

Connecticut General Statutes §10-198a

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

*Mansfield Board of Education Regulation*

**Section:** STUDENTS

**RELIGION IN THE PUBLIC SCHOOLS**

**School Activities**

1. The Mansfield Public Schools may consider potential conflicts with religious holidays in determining school calendars and in scheduling events.
2. There shall be no benedictions or invocations or other form of group prayer at any school-sponsored functions or exercises.
3. The following types of school activities are permitted, with the prior approval of the building principal, so long as they do not promote or detract from any particular religion, serve as a religious celebration, or take on the character of religious devotions:
  - i. Writing or analyzing literature on religion.
  - ii. Playing, singing, presentation and/or study of religious music, and/or music that contains references to a deity.
  - iii. Performance and/or study of drama addressing religious history or including religious content, and/or dramatic presentations that contain references to a deity.
  - iv. Production, exhibition and/or study of art work including religious themes.
  - v. Recognition of significant religious holidays.
  - vi. Comparative studies of religion.
  - vii. Analyses of religious books for literary or historic significance.
  - viii. Recitations or study of historical documents that contain references to a deity.

Any such school activities will be designed to foster respect, mutual understanding and sensitivity for diverse religious traditions.

**Student Absences**

1. When a student is absent for the purpose of religious observance, the student may be asked to make up assignments or assessments missed within a reasonable period of time after the absence.
2. Attendance awards given to students within the district may not be denied on the basis on absences for the purposes of religious observance.

**Student Expression**

1. Student-initiated expressions in response to questions or assignments which reflect a student's religious belief or non-belief will be accommodated.
2. Students are free to express religious belief or non-belief in compositions, art forms, music, speech and debate.
3. As required by the No Child Left Behind Act, the Superintendent of the Mansfield Public Schools will, by October 1 of each year, certify in writing to the state that students of the district are not prevented by policy or regulation from participating in constitutionally protected prayer.

Legal References:

First Amendment, United States Constitution

Connecticut Constitution, Article First, Sections 3, 20; Article Seventh

Connecticut General Statutes 10-16a

Connecticut General Statutes 10-29a

Connecticut General Statutes Section 10-230

Connecticut General Statutes §10-198a

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)



**TOWN OF MANSFIELD  
ETHICS BOARD**



Nora Stevens, Chairperson

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
(860) 429-3336 x5 ♦ Fax: (860) 429-6863

July 18, 2013

Mr. Mark LaPlaca  
MBOE Chairperson  
26 Jonathon Lane  
Mansfield, CT 06268

Re: Advisory Opinion – Code applicability to MBOE officials and employees and gift provisions

Dear Mark,

In May of this year, the Ethics Board issued an advisory opinion at your request regarding the applicability of Ethics Code gift provisions to youth sports referees and volunteer coaches of Parks and Recreation sponsored/co-sponsored programs. That advisory opinion has led the Board to discuss the applicability of the Code of Ethics to officials and employees of the Mansfield Board of Education, particularly the gift provisions.

The Ethics Board supports the Town Council's position that the Ethics Code is applicable to Mansfield Board of Education officials and employees. As a result, it is the opinion of the Ethics Board that the Ethics Ordinance gift provisions supersede the Mansfield Board of Education's Ethics Policy gift provisions. This letter is meant to serve as an advisory opinion regarding Ethics Code applicability to Mansfield Board of Education officials and employees and to provide guidance on the gift provisions of the Ordinance. Please note that this is an Ethics Board initiated advisory opinion; we have not received an advisory opinion request from a MBOE official or employee regarding Code applicability or gift provisions. This advisory opinion is a proactive attempt to educate MBOE officials and staff about the Code's applicability to them, in particular the gift provisions, in advance of the beginning of the school year.

Sections 25-4 and 25-7B of the Ethics Code address what is and is not considered a gift, as well as the value of gifts an official or employee may accept in one calendar year. Officials and employees may only accept "gifts in-kind of nominal value not to exceed \$25.00 tendered on gift-giving occasions generally recognized by the public, provided the total value of such gifts in any calendar year from all donors do not combine to exceed one hundred dollars." The Code does not prohibit officials or employees from accepting gifts, so long as the gift(s) is permissible pursuant to the Code. However, the acceptance of gifts by teachers from students is discouraged.

The Code is not applicable to volunteers who are not employees or officials of the Town of Mansfield or the Mansfield Board of Education. Volunteers who are not employees or officials of

the Town or the Mansfield Board can accept gifts of any value with no limitation on the number of gifts received.

If Mansfield Board of Education officials or employees receive gifts that are not permissible pursuant to the Ethics Code they are encouraged to take the following action:

- Return the gift to the gift giver. Explain that although grateful for the acknowledgement, you can't accept the gift pursuant to our Ethics Code. Notify and copy your supervisor, Human Resources (MBOE office), and the Town Manager's Office on the communication sent (or verbally expressed) to the gift giver; OR
- Donate the gift to a non-profit organization serving residents of Mansfield. Notify and document the repurposing to your supervisor, Human Resources (MBOE office), and the Town Manager's Office; OR
- Donate the gift to the Town or Mansfield Board of Education for official use. For example, a grocery store gift card could be donated to the Human Services Department for the special needs fund which provides assistance to residents in need. Notify and document the repurposing to your supervisor, Human Resources (MBOE office), and the Town Manager's Office.

The Town Clerk and Assistant Town Manager conducted Ethics Training with all regular Town employees and a number of officials last fall. Upon request, Ethics Training could be provided to MBOE staff during orientation in August. Training covers the gift provisions thoroughly.

Questions about this opinion may be directed to the Ethics Board at [EthicsBoard@mansfieldct.org](mailto:EthicsBoard@mansfieldct.org).

Regards,



Nora B. Stevens  
Ethics Board Chairperson

C: Town Attorney  
Ethics Board  
Town Council Personnel Committee  
Fred Baruzzi, MBOE Superintendent  
Matthew Hart, Town Manager  
Mary Stanton, Town Clerk



**SHIPMAN & GOODWIN<sup>LLP</sup>**

COUNSELORS AT LAW

TO: Dennis O'Brien, Town of Mansfield Attorney  
FROM: Anne H. Littlefield, Shipman & Goodwin LLP  
DATE: April 13, 2012  
RE: Proposed Mansfield Ethics Ordinance

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**I. Introduction:**

The Mansfield Board of Education (the "Board") asked us to review a Town of Mansfield ("Town") proposal to enact an ethics ordinance that would apply to the Board members and Board employees. Specifically, the Board asked us to review the proposed ordinance and offer advice as to the legality of the ordinance with respect to the Town's authority to regulate Board members and employees.

As we discussed by telephone, local charter provisions are binding upon local boards of education under most circumstances. However, as discussed below, the picture is not at all clear as regards the authority of municipalities to regulate their local boards of education through an ethics ordinance. Indeed, the language in the relevant statutes strongly suggests that such matters are left to boards of education. Accordingly, the Town's proposed action in imposing an ethics ordinance on the Board would be subject to challenge. Given the uncertainties, as well as the close and collaborative working relationship between the Town and the Board, we are suggesting that the entities reach some accommodation on this issue rather than having the Town enact a Code of Ethics that could be subject to challenge down the road when applied in a specific circumstance. One possible solution is set forth below.

**II. Charter Provisions:**

The authority vested in local boards of education is derived from a multitude of sources. Local boards of education act as agents of the state to carry out the constitutional guarantee of free public education contained in article eighth, section 1 and implemented by Connecticut General Statutes § 10-220. On the other hand, local boards may also be governed by local charters, which may be adopted either by the General Assembly pursuant to article tenth of the Connecticut constitution, or by town residents through charter adoption as authorized by the Home Rule Act.

The Connecticut Supreme Court has ruled that charter provisions can be binding upon local boards of education when a state statute expressly defers to local charter provisions or otherwise when “the local charter provisions are not inconsistent with or inimical to the efficient and proper operation of the educational system otherwise entrusted by state law to the local boards.” *Local #1186, AFSCME v. New Britain Board of Education*, 182 Conn. 93 (1980). It can be difficult, however, to apply this rule to specific situations.

For example, in *Board of Education v. Town and Borough of Naugatuck*, 70 Conn. App. 358 (2002), the Appellate Court considered two changes in the charter of the Town of Naugatuck. The first change made the Mayor a member of the Board of Education, and the second change provided for a separate vote on the board of education and town budgets. The Appellate Court affirmed the provision making the Mayor a member of the board of education, but it struck down the provision requiring a separate vote on the Board of Education budget. The Supreme Court, however, reversed and upheld the charter provision. *Board of Education v. Town and Borough of Naugatuck*, 268 Conn. 295 (2004). While education is a matter of state concern, the procedure for approving the related funding was, in the Court’s view, a matter of local concern appropriately left to the voters in the school district.

The Charter of the Town of Mansfield does contain limited language that addresses the area of ethics. Specifically, Section 304 provides as follows:

*The Town Council shall adopt an ordinance setting standards of ethical behavior, including conflict of interest standards, expected from elected officials, appointed officials and public employees and shall establish mechanisms for the enforcement of ethical standards.*

The applicability and/or enforcement of Section 304 of the Charter of the Town of Mansfield, if challenged in court, would depend on whether its application or enforcement were considered inconsistent with or inimical to the efficient and proper operation of the educational system otherwise entrusted by state law to the local boards.” *Local #1186, AFSCME v. New Britain Board of Education*, 182 Conn. 93 (1980). Of particular concern in the charter provision is the use of the phrase “shall establish mechanisms for the enforcement of ethical standards.” Given that the authority for the setting of standards for, supervision of, and discipline and discharge of Board of Education employees rests with the Board of Education, the charter provision is arguably overbroad as regards its application to Board employees. In addition, Board members exercise statutory authority as agents of the state with respect to the state’s educational interests. For that reason, the ethics ordinance could logically be said to overreach with respect to Board members’ actions as well. Moreover, the Town’s authority to regulate in this area by ordinance is also not clear, as discussed below.

### **III. Regulation by Ordinance:**

Municipalities, as creatures of statute, have no inherent legislative authority. *Simons v Canty*, 195 Conn. 524, 529 (1985). They can wield only those powers expressly granted to them by the legislature. *Id.* at 530. The legislature has been very specific in enumerating those powers it grants to municipalities. *Buonocore v. Branford*, 192 Conn. 399, 403 (1984). Delegation of authority to municipalities is therefore narrowly construed. *Simons* at 530. Thus, in determining whether a municipality has the authority to enact a provision, “[the courts] do not search for a statutory prohibition against such an enactment; rather [the courts] must search for statutory authority for the enactment.” *Avonside, Inc. v. Zoning & Planning Commission*, 153 Conn. 232, 236 (1965). See also *Fahey v. Trumbull*, 22 Conn. Supp. 105, 109 (1960) (the test of the right of municipalities by implication to exercise any particular power is the necessity of such power, not its convenience); 85 Op. Atty Gen. Conn. 92 (1985) (if there is a reasonable doubt as to the existence of an implied power in a municipality, that power does not exist).

We did find legislative authority for the municipal creation and enforcement of an ethics code in three different Connecticut statutes, but none of them specifically confer jurisdiction upon the municipality to regulate the affairs of board of education members and employees.

First, the statute that sets forth the scope of municipal powers for Connecticut municipalities is Connecticut General Statutes § 7-148. This statute authorizes the Town to establish “rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty including community service for not more than twenty hours” by adopting ordinances. Connecticut General Statutes § 7-148(a)(1). However, the phrase “general municipal application” suggests that such ordinances would regulate the citizenry in general.

There is a specific authority regarding ethics codes. Specifically, Connecticut General Statutes § 7-148(c)(10)(B) provides that any municipality has the power to “adopt a code of ethical conduct.” The statutory language does not address nor define the scope or extent of this ethical code, nor its means of implementation. In fact, the entirety of Connecticut General Statutes § 7-148, which is entitled “Scope of Municipal Powers,” is silent as to whether or not the enumerated powers of a municipality may be exercised to regulate the board of education. However, other enumerated powers of municipalities under Connecticut General Statutes § 7-148 clearly do not apply to boards of education. For example, Connecticut General Statutes § 7-148(A)(5)(c) authorizes municipalities to “provide for the employment of and prescribe the salaries, compensation and hours of employment of all officers and employees,” which does not extend to board of education employees. Thus, we do not read the municipal authority

to adopt a code of ethical conduct to authorize regulation of the Board and its employees.

Second, Connecticut General Statutes § 7-148h authorizes “any town, city, district, or borough” to establish, by charter provision or ordinance, an ethics commission

to investigate allegations of unethical conduct against “any official, officer or employee or such town, city, district or borough.” Uncertainty is created by Connecticut General Statutes § 7-148h, which incorporates by reference the definition of “district” from Connecticut General Statutes § 7-324. There, the term is defined to mean “any fire district, sewer district, fire and sewer district, lighting district, village, beach or improvement association and any other district or association, *except a school district....*” (emphasis added). Thus, it is not clear whether the authority to establish an ethics commission to investigate allegations against “any official, officer or employee of such town, city, district or borough” applies to employees of a “school district.” In fact, school district employees are arguably excluded by the limited definition of “district” set forth above.

In addition, we see that Connecticut General Statutes § 7-148h is limited to the establishment of an ethics commission and its subsequent investigation or allegations of unethical or illegal conduct levied against officials and employees of the municipality. It does not make reference to an ethics code, nor does it authorize a municipality to create one and/or to impose it on the board of education. Moreover, we see in Connecticut General Statutes § 10-240 that the affairs of school districts are regulated by the board of education (“Each town shall through its board of education maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts, except so far as such powers and duties are inconsistent with the provisions of this chapter.”). Thus, this specific grant of municipal authority appears not to authorize regulation of the board of education and its employees.

The final potential legislative source of municipal authority concerning ethics is Connecticut General Statutes § 7-479 of the Connecticut General Statutes. Connecticut General Statutes § 7-479 authorizes municipalities, which are defined as any “town, city, borough, school district” to, by ordinance or regulation, prohibit any official, member, officer, or employee from engaging in conflicts of interest. This statutory provision, as written, does not appear to extend municipality authority over boards of education and their employees. Rather, the statute can be read as empowering municipalities to prohibit and penalize conflicts of interest by its own officials and employees, and to authorize boards of education (as the separate and distinct body responsible for the school district) to adopt regulations to prohibit such conflicts of interest by its members and employees. We note, however, that the statute could be read to authorize the town to regulate of conflicts of interest of board of education members, because board of education members may be considered both municipal

officials as well as agents of the state. *Cheney v. Strasburger*, 168 Conn. 135 (1975). In any event, we do not believe that Connecticut General Statutes § 7-479 should be applied to extend the term “town employees” to include board of education employees, as it is clear that the intent of that statute is for the school district to regulate its own employees.

#### **IV. Suggested Resolution:**

Given the uncertainty here, we believe that it is in the best interests of the Town and the Board to reach some accommodation on this issue. One specific solution could be for the Board to adopt a Code of Ethics that substantially conforms to the Town's proposed ordinance, with any specific modifications as may be appropriate for the unique circumstances of the Board of Education, serving the goal of establishing consistent standards of conduct for public officials and public employees and promoting the important public policy of impartial and transparent decision-making, while avoiding legal disputes about the applicability of the ordinance to Board of Education officials and employees. On behalf of the Board of Education, I welcome further dialog with you about this proposal.





Connecticut Association of Boards of Education, Inc.

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81 Wolcott Hill Road, Wethersfield, CT 06109-1242 - (860) 571-7446 - Fax (860) 571-7452 - Email [admin@cabe.org](mailto:admin@cabe.org)

## MEMORANDUM

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Date: September 3, 2013

To: Mark LaPlaca, Mansfield Board of Education Chair

From: Patrice McCarthy, Deputy Director and General Counsel

Re: **Ethics Policy**

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Based on our discussions concerning the Town of Mansfield's Ethics Ordinance, and the Ethics Board's Advisory Opinion, I concur with the analysis of Anne Littlefield that the Board of Education Ethics Policy substantially conforms to the town ordinance, and board of education employees should be directed to follow the provisions of the board of education Ethics Policy, specifically with reference to the provisions concerning gifts.

I hope this information is helpful to you and the members of the Mansfield Board of Education.



*Mansfield Board of Education By-Law*

**Section:** BY-LAWS

**CODE OF ETHICS FOR BOARD OFFICIALS AND EMPLOYEES**

**Statement of Purpose:**

The purpose of this Code of Ethics is to guide elected and appointed Board of Education officials and Board of Education employees by establishing standards of conduct for Board of Education officials and Board of Education employees. Public office or employment is a public trust. The trust of the public is essential for the school district to function effectively. Public policy developed by Board of Education officials and Board of Education employees affects every member of the school community, and it must be based on honest and fair deliberations and decisions. Good government depends on decisions which are based upon the merits of the issue and are in the best interests of the school district as a whole, without regard to personal gain. This process must be free from threats, favoritism, undue influence and all forms of impropriety so that the confidence of the public is not eroded. By enacting this Code, the Board of Education seeks to maintain and increase the confidence of our citizens in the integrity and fairness of their school district. In pursuit of that goal, these standards are provided to aid those involved in decision making to act in accordance with the public interest, use objective judgment, assure accountability, provide democratic leadership, and uphold the respectability of the school district.

**Definitions:**

As used in this policy, the following words or phrases shall have the meanings ascribed to them in this section:

Advisory Opinion: A written response by the Town Board of Ethics to a request by a Board of Education official or Board of Education employee asking whether his/her own present or potential action may violate any provision of this Board of Education Code of Ethics.

Town Board of Ethics: The Town of Mansfield Board of Ethics established by ordinance, as it may be amended from time to time.

Business: Any entity through which business for profit or not for profit is conducted, including a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.

Business with which one is associated: A business of which the person or a member of their immediate family is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stock of any class.

Confidential Information: Any information, whether transmitted orally or in writing, which is obtained by reason of the school district employment or Board of Education office held and is of such nature that it is not at the time of transmission a matter of public record per the Connecticut Freedom of Information Act, C.G.S. section 1-200, et seq., or public knowledge.

Financial Interest: Any interest representing an actual or potential economic gain or loss, which is neither de minimis nor shared by the general public.

Gift: Anything of value, including entertainment, food, beverage, travel and lodging given or paid to a Board of Education official and Board of Education employee, to the extent that a benefit of equal or greater value is not received. A gift does not include: 1) A political contribution otherwise reported as required by law or a donation or payment as described or defined in subdivision (9) or (11) of subsection (b) of Conn. General Statutes Section 9-601a; 2) Services provided by persons volunteering their time to the school district; 3) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; 4) A gift received from a Board of Education official or Board of Education employee's spouse, fiancé or fiancée, the parent, brother or sister of such spouse or such individual, or the child of such individual or the spouse of such child; 5) Goods or services which are provided to the school district and facilitate school district action or functions; 6) A certificate, plaque or other ceremonial award costing less than one hundred dollars; 7) A rebate or discount on the price of anything of value made in the ordinary course of a business without regard to that person's status; 8) Printed or recorded informational material germane to school district action or functions; 9) Items of nominal value, not to exceed twenty dollars, containing or displaying promotional material; 10) An honorary degree bestowed upon a Board of Education official or Board of Education employee by a public or private university or college; 11) A meal provided at an event and/or the registration or entrance fee or travel costs to attend such an event, in which the Board of Education official and Board of Education employee participates in his/her official capacity; 12) A meal provided in the home by an individual who resides in Mansfield; 13) Unsolicited gifts in-kind of nominal value given to a Board of Education employee and tendered on gift-giving occasions generally recognized by the public, such as holidays and end of year celebrations, provided the gift does not impair the employee's independent judgment or action in the performance of the employee's official duties; or 14) Gifts in-kind of nominal value given to a Board of Education official not to exceed \$25.00 tendered on gift-giving occasions generally recognized by the public, provided the total value of such gifts in any calendar year from all donors do not combine to exceed one hundred dollars.

Immediate Family: Any spouse, child, parent, sibling or co-habiting partner of a public official or public employee, any other individual who resides in the household of the public official or public employee, and the spouse, child, parent or sibling of any such spouse, child, parent, sibling, co-habiting partner or other individual who resides in the household.

Individual: Any natural person.

Individual with Whom One is Associated: Any individual with whom the Board of Education official or Board of Education employee or a member of their immediate family mutually has an interest in any business.

Official Responsibility: The direct administrative or operating authority, whether exercised personally or through subordinates, to approve, disapprove, or to otherwise direct school district action.

Person: Any individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

Board of Education Employee: Any person or contractor of the Mansfield Board of Education, full or part time, receiving wages or other compensation for services rendered.

Board of Education Official: Any elected or appointed Board of Education member.

**Advisory Role of Town of Mansfield Board of Ethics:**

A. The Town of Mansfield has established a Town Board of Ethics consisting of five (5) electors of the Town. The members are appointed by the Town Council in accordance with the ordinance establishing the Town Board of Ethics.

B. In accordance with the Town ordinance establishing the Town Board of Ethics, and its own procedures as may be established and/or amended from time to time, the Town Board of Ethics issues advisory opinions with regard to the requirements of the Town's Code of Ethics upon the request of any public official, public employee or agency of the Town regarding whether his/her own present or potential action may violate any provision of the Town's Code of Ethics. Similarly, a Board of Education official or Board of Education employee may seek an advisory opinion whether his/her own present or potential action may violate any provision of this Board of Education Code of Ethics.

**Rules:**

A. **Outside Business.** No Board of Education official or Board of Education employee shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of their official responsibilities in the public interest or which would tend to impair their independent judgment or action in the performance of their official responsibilities.

B. **Gifts.** (1) No Board of Education official or Board of Education employee shall solicit or accept any gift from any person interested in any pending matter within such individual's official responsibility. (2) If a prohibited gift is offered, the Board of Education official or Board of Education employee must refuse it, return it, pay the donor the full value of the gift, or donate it to a non-profit organization provided that the Board of Education official or Board of Education employee does not take the corresponding tax deduction. Alternatively, it may be considered a gift to the school district provided it remains in the school district's possession permanently.

C. **Conflict of Interest.** (1) A Board of Education official or Board of Education employee shall not vote upon or otherwise participate to any extent in any matter on behalf of the school district of the Town if he or she, a business with which they are associated, an individual with whom

they are associated, or a member of his or her immediate family, has a financial interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the school district or the Town of Mansfield. (2) If such participation is within the scope of the official responsibility of the Board of Education official or Board of Education employee, as soon as possible after they become aware of such conflict of interest, they shall submit written disclosure which sets forth in detail the nature and extent of such interest to their supervisor, to the Board of Education, and to the Town Board of Ethics. (3) Notwithstanding the prohibition in subsection (C)(1), a Board of Education official or Board of Education employee may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the school district community.

**D. Representing Private Interests.** (1) Except for a Board of Education official who receives no compensation for their service to the school district other than per diem payments or reimbursement of expenses, no Board of Education official or Board of Education employee shall appear on behalf of private interests before the Board of Education, or any other Town board, agency, commission or committee of the Town of Mansfield. (2) No Board of Education official or Board of Education employee shall represent private interests against the interest of the school district or the Town of Mansfield in any litigation to which the school district or the Town of Mansfield is a party.

**E. Self-Representation.** Nothing contained in this Board of Education Code of Ethics shall prohibit or restrict a Board of Education official or Board of Education employee from appearing before the Board of Education or any other Town board, agency, commission or committee of the Town of Mansfield on his/her own behalf, or from being a party in any action, proceeding or litigation brought by or against the Board of Education official or Board of Education employee to which the Board of Education or the Town of Mansfield is a party.

**F. Confidential Information.** No Board of Education official or Board of Education employee shall disclose confidential information, as defined above, concerning school district affairs, nor shall such employee or official use such information for the financial interests of himself or herself or others.

**G. Use of School District or Town Property.** No Board of Education official or Board of Education employee shall request or permit the use of school district or Town of Mansfield funds, services, school district or Town of Mansfield owned vehicles, equipment, facilities, materials or property for personal use, except when such are available to the public generally or are provided by written official Board of Education or applicable Town of Mansfield policy or contract for the use of such school district or the Town of Mansfield. Enforcement of this provision shall be consistent with the school district's legal obligations.

**H. Contracts with the School District or Town.** No Board of Education official or Board of Education employee, or a business with which he or she is associated, or member of his/her immediate family shall enter into a contract with the Board of Education or the Town of Mansfield unless it is awarded per the requirements of prevailing law as well as Board of

Education policy, including Chapter 76 of the Code of the Town of Mansfield, "The Ordinance for Obtaining Goods and Services."

**I. Financial Benefit.** No Board of Education official or Board of Education employee may use his/her position or office for the financial benefit of himself or herself, a business with which he or she is associated, an individual with which he or she is associated, or a member of his/her immediate family.

**J. Fees or Honoraria.** No Board of Education official or Board of Education employee acting in his/her official capacity shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event.

**K. Bribery.** No Board of Education official or Board of Education employee, or member of such individual's immediate family or business with which he or she is associated, shall solicit or accept anything of value, including but not limited to a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the Board of Education official or Board of Education employee would be or had been influenced thereby.

**L. Disclosure.** Any Board of Education official or Board of Education employee who presents or speaks to the Board of Education or any other Town board, committee, commission or agency during the time set aside during any meeting of any such body for public comment shall at that time disclose their name, address, and school district affiliation, regardless of whether said affiliation is related to the matter being addressed by the speaker.

**M. Political Activity.** No Board of Education official or Board of Education employee may request, or authorize any other Board of Education official or Board of Education employee to request that a subordinate employee of the school district actively participate in an election campaign or make a political contribution. No Board of Education official or Board of Education employee may engage in any political activity while on duty for the school district, or with the use of school district or Town funds, supplies, vehicles or facilities. Political activity includes voting, making political contributions, buying a ticket to fundraising or other political events; taking an active role in connection with a question such as a referendum or approval of a municipal ordinance, or any other question or issue of a similar character, and otherwise participating in political affairs; endorsing or opposing any candidate for any public office; taking any part in managing the political campaign of any such candidate, or initiating or circulating a nomination petition, working as a driver transporting voters to the polls during an election, or directly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for any such candidate; placing or wearing a sign or sticker supporting or opposing a candidate for any public office; becoming or acting as a candidate for any public office. However, no Mansfield voter may be prohibited from voting at any Town Meeting based on their status as a Board of Education official or Board of Education employee. Activity legally authorized by Connecticut General Statutes section 9-369b, regarding the preparation, printing and dissemination of certain explanatory materials pertaining to referendum questions and proposals, is exempt from such restriction.

**Powers and Duties of Town Ethics Board. Complaints and Investigations. Confidentiality :**

A.(1) Upon the complaint of any person on a form prescribed by the Town Board of Ethics, signed under penalty of false statement, or upon its own complaint, the Town Board of Ethics shall investigate any alleged violation of the Board of Education Code of Ethics. Unless and until the Town Board of Ethics makes a finding of a violation, a complaint alleging a violation of the Board of Education Code of Ethics shall be confidential except upon the request of the respondent.

B. (1) No later than ten (10) days after the receipt or issuance of such complaint, the Town Board of Ethics shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed, and shall provide notice of the receipt of such complaint to the complainant. (2) The Town Board of Ethics shall review and investigate the complaint to determine whether the allegations contained therein constitute a violation of any provision of the Board of Education Code of Ethics. This investigation shall be confidential except upon the request of the respondent. If the investigation is confidential, any allegations and any information supplied to or received from the Town Board of Ethics shall not be disclosed to any third party by a complainant, witness, designated party, or Town Board of Ethics member.

C. (1) In the conduct of its investigation of an alleged violation of the Board of Education Code of Ethics, and in a manner compliant with state and federal law, the Town Board of Ethics shall have the power to hold investigative hearings, administer oaths, examine witnesses, receive oral, documentary and demonstrative evidence, subpoena witnesses and require by subpoena duces tecum the production for examination by the Town Board of Ethics of any books and papers which the Town Board of Ethics deems relevant in any matter under investigation. In the exercise of such powers, the Town Board of Ethics may use the services of the Town police, who shall provide the same upon the request of the Town Board of Ethics. Any such subpoena is enforceable upon application to the Superior Court. (2) If any such investigative hearing is scheduled concerning a Board of Education official or Board of Education employee, the Town Board of Ethics shall notify the Board of Education, and consult forthwith with the town attorney or outside counsel, and Board of Education counsel. The respondent shall have the right to appear, to be represented by legal counsel and to examine and cross-examine witnesses.

D. (1) If, after investigation, the Town Board of Ethics determines that the complaint concerning a Board of Education official or Board of Education employee does not allege sufficient facts to constitute probable cause of a violation, the Town Board of Ethics shall dismiss the complaint. The Town Board of Ethics shall inform the complainant and the respondent of its finding of dismissal by registered or certified mail not later than three business days after such determination of dismissal. (2) After any such finding of no violation, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No complainant, witness, designated party, or Town Board of Ethics or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known.

E. If, after investigation concerning a Board of Education official or Board of Education employee, the Town Board of Ethics determines that the complaint alleges sufficient acts to constitute probable cause of any violation, then the Town Board of Ethics shall send notice of said finding of probable cause to the complainant and respondent by registered or certified mail within three business days and fix a date for the hearing on the allegations of the complaint to begin no later than thirty (30) calendar days after said issuance of notice. The hearing date regarding any complaint shall be not more than sixty (60) calendar days after the filing of the complaint. If any such investigative hearing is scheduled concerning a Board of Education official or Board of Education employee, the Town Board of Ethics shall notify the Board of Education, and consult forthwith with the town attorney or outside counsel, and Board of Education counsel.

F. (1) A hearing conducted by the Town Board of Ethics concerning a Board of Education official or Board of Education employee shall not be governed by formal rules of evidence. Any such hearing shall be closed to the public unless the respondent requests otherwise. (2) In the conduct of its hearing of an alleged violation of the Board of Education Code of Ethics, and in a manner compliant with state and federal law, the Town Board of Ethics shall have the power to administer oaths, examine witnesses, receive oral, documentary and demonstrative evidence, subpoena witnesses and require by subpoena duces tecum the production for examination by the Town Board of Ethics of any books and papers which the Town Board of Ethics deems relevant in any matter under investigation or in question. In the exercise of such powers, the Town Board of Ethics may use the services of the Town police, who shall provide the same upon the request of the Town Board of Ethics. Any such subpoena is enforceable upon application to the Superior Court. (3) The respondent shall have the right to appear, to be represented by legal counsel and to examine and cross-examine witnesses.

G. (1) If, after a hearing concerning a Board of Education official on a complaint for which probable cause has previously been found, the Town Board of Ethics finds by a vote of at least four of its members based on clear and convincing evidence that any violation of the Board of Education Code of Ethics has occurred, the Town Board of Ethics shall submit a memorandum of decision, which may include recommendations for action, to the Board of Education for such actions as they may deem appropriate. (2) If, after a hearing concerning a Board of Education employee on a complaint for which probable cause has previously been found, the Town Board of Ethics finds by a vote of at least four of its members based on clear and convincing evidence that any violation of the Board of Education Code of Ethics has occurred, the Town Board of Ethics shall submit a memorandum of decision, which may include recommendations for action, to the Superintendent of Schools for such actions as he/she may deem appropriate. (3) The recommendations of the Town Board of Ethics may include, but not be limited to, any combination of the following: recusal, reprimand, public censure, termination or suspension of employment, removal or suspension from appointive office, termination of contractual status, or the pursuit of injunctive relief. No such recommendation may be acted upon in violation of federal or state law or the Charter, ordinances, legally adopted policies, or collective bargaining agreements of the Board of Education. Any discussion by the Board of Education regarding any such memorandum of decision shall be in executive session, subject to the requirements of state law, unless the affected individual requests that such discussion be held in open session.

H. The Town Board of Ethics shall make public any finding of a violation not later than five business days after the termination of the hearing. At such time, the entire record of the investigation shall become public. The Town Board of Ethics shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making such finding by registered or certified mail not later than three business days after termination of the hearing.

I. No complaint may be made under the Board of Education Code of Ethics except within two years of the date of knowledge of the alleged violation, but no more than four years after the date of the alleged violation.

J. No person shall take or threaten to take official action against an individual for such individual's good faith disclosure of information to their supervisor, any town official or the Town Board of Ethics under the provisions of the Board of Education Code of Ethics. After receipt of information from an individual, the Town Board of Ethics shall not disclose the identity of such individual without his or her consent unless the Town Board of Ethics determines that such disclosure is unavoidable during the course of an investigation or hearing.

**Former Board of Education Officials/Employees:**

A. No former Board of Education official or Board of Education employee, as defined above, shall appear for compensation before any Town of Mansfield board, commission or agency in which they were formerly employed or involved at any time within a period of one year after termination of their service with the school district.

B. No such former Board of Education official or Board of Education employee shall represent anyone other than the school district concerning any particular matter in which they participated personally and substantially while in the service of the school district.

C. No such former Board of Education official or Board of Education employee shall disclose or use confidential information acquired in the course of and by reason of their official duties in the service of the school district, for financial gain for themselves or others.

D. No such former Board of Education official or Board of Education employee who participated substantially in the negotiation or award of a Town of Mansfield and/or school district contract obliging the Town or the Board of Education to pay \$100,000.00 or more, or who supervised the negotiation or award of such a contract, shall accept employment with a party to the contract other than the Town of Mansfield and/or the school district for a period of one year after such contract is finally executed.

**Distribution of the Code of Ethics:**

The Superintendent of Schools shall cause a copy of this Board of Education Code of Ethics to be distributed to every Board of Education official within thirty days of the effective date of this Board of Education Code of Ethics or any amendment thereto. The Superintendent of Schools shall cause a copy of this Board of Education Code of Ethics to be distributed to every Board of Education employee within thirty days of the effective date of this Board of Education Code of

Ethics or any amendment thereto. Each new Board of Education official or Board of Education employee shall be furnished a copy of this Board of Education Code of Ethics before entering upon the duties of their office or employment.

**Severability; Conflicts with other Provisions:**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Board of Education Code of Ethics, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Board of Education Code of Ethics. Furthermore, should any such provisions of this Board of Education Code of Ethics conflict with any provisions of state or federal law, the relevant provisions of the state or federal law shall prevail.

**Disciplinary Consequences:**

Whether or not a reported violation of the Board of Education Code of Ethics has been the subject of investigation and/or proceedings by the Town Board of Ethics, violation of this policy by a Board of Education employee may lead to discipline up to and including the termination of employment, consistent with state and federal law and applicable collective bargaining agreements. Whether or not a reported violation of the Board of Education Code of Ethics has been the subject of investigation and/or proceedings by the Town Board of Ethics, violation of this policy by a Board of Education official may lead to censure and/or removal from Board office, consistent with state and federal law.