

bylaw

**BOARD OF EDUCATION
VICKSBURG COMMUNITY SCHOOLS**

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MEMBERSHIP

0141 **Number**

The Board of Education shall consist of seven (7) members.

M.C.L. 380.403(a)

0142 **Election/Appointment**

0142.1 **Electoral Process**

The number of members of the Board shall remain the same as before July 1, 1996 unless changed by the School electors at a regular or special School election. A ballot question for changing the number of Board members may be placed on the ballot by action of the Board or by petition submitted by School electors as provided under Michigan election law (M.C.L. 168.301 to 168.315).

Members of the Board shall be elected bi-annually on the first Tuesday after the first Monday in even year November.

A special election may be called by the Board as provided under Michigan election law (M.C.L. 168.301 to 168.315).

M.C.L. 168.301 et seq.

Revised 11/13/06

Revised 3/12/12

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0142.2 **Qualifications**

An individual is eligible for election as a School Board member if the individual is a citizen of the United States and is a qualified and registered elector of the School District by the filing deadline.

M.C.L. 168.302

Revised 11/13/06

0142.3 **Term**

Members of the Board shall be elected by the School electors for terms of six (6) years.

At each regular School election, members of the Board shall be elected to fill the positions of those whose terms will expire. A term of office begins as provided by law (M.C.L. 168.302) and continues until a successor is elected and qualified.

At least one (1) School Board member for a School District shall be elected at each of the School District's regular elections. A School board member's term of office begins January 1st, immediately following the November election.

M.C.L. 168.301 et seq.

Revised 11/13/06

Revised 3/12/12

0142.4 **Oath**

Each newly-elected Board member shall file an acceptance of office as well as an affidavit of eligibility within ten (10) days after receiving a certificate of election and shall take an oath of office as prescribed by the Constitution of Michigan.

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A ceremonial oath of office may be administered at the Organizational Meeting and may be administered by the Superintendent.

Bylaw 0122 - Board Powers

M.C.L. 168.309, 168.310

Revised 7/96

Revised 11/13/06

Revised 8/11/08

0142.5

Vacancies

The office of a Board member shall become vacant immediately upon the occurrence of any one (1) of the following events:

- A. the death of the incumbent, or the incumbent's being found mentally incompetent by the proper court
- B. the incumbent's resignation
- C. the incumbent's removal from office
- D. the incumbent's conviction of a felony
- E. the incumbent's election or appointment being declared void by a competent tribunal
- F. the incumbent's neglect or failure to file the acceptance of office, to take the oath of office, or to give or renew an official bond required by law
- G. the incumbent's ceasing to possess the legal qualifications for holding office
- H. the incumbent moving his/her residence out of the District

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If less than a majority of the offices of the District becomes vacant, the remaining members of the Board shall fill the vacancy immediately.

If the vacancy is not filled within thirty (30) days after it occurs, the Board of the Intermediate School District, in which the School District has the greater portion of its assessed valuation, shall fill the vacancy by appointment.

A person elected or appointed to fill a vacancy on the Board shall file an acceptance of office and shall hold office until the next regular school election.

M.C.L. 168.310, 168.311

Revised 7/98
Revised 11/13/06

0142.6

Recall

Any member of the Board may be recalled pursuant to M.C.L. 168.951 et seq.

0142.7

Orientation

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the District, and learn Board procedures. Accordingly, the Board shall give to each new Board member no later than his/her first regular meeting as a Board member for his/her use and possession during the term on the Board the following items:

- A. a copy of the Board policy manual
- B. a copy of the District administrative guidelines

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- C. a copy of each current negotiated agreement
- D. the current budget statement, audit report, and related fiscal materials
- E. MASB Boardmanship and Brief

Each new Board member shall be invited to meet with: the Board President, the Superintendent, and the Business Manager to discuss Board functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

0143

Authority

Individual members of the Board do not possess the powers that reside in the Board of Education, but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member. M.C.L. 380.1201

Access to District personnel records shall be subject to the following rules:

- A. Examination of school employee personnel records by the Board of Education shall be conducted in accordance with the Open Meetings Act.
- B. Personnel records shall, in their entirety, be returned to the custody of the Superintendent at the conclusion of the Board meeting.

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- C. Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members in fulfilling their legal responsibilities in making decisions in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissal or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

0143.1 **Public Expression of Board Members**

From time to time individual Board members make public statements on school matters to local media, to local officials, and/or State officials.

Sometimes the statements imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. A Board members's personal or private use of social media may have unintended, negative consequences to the Board member and/or the District, including possible violations of the Open Meetings Act and issues relating to creation of a public record. Postings to social media should be done in a manner sensitive to the Board member's responsibilities, applicable District policies, and legal obligations. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, Board members should adhere to the guidelines contained herein when writing or speaking on school matters to the media, legislators, and other officials:

"The Vicksburg Community Schools Board of Education, as a matter of policy, disclaims responsibility for any individual public statements by its members. The view expressed herein are those of the member and do not necessarily reflect the views of the Board or of the author's colleagues on the Board."

This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:

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- A. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter

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- B. routine, not for publication correspondence of the Superintendent and other Board employees
- C. routine "thank you" letters of the President of the Board
- D. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)
- E. personal statements not intended for publication

0144 **Operations**

0144.1 **Compensation**

Board members shall receive not more than thirty dollars (\$30) per meeting up to a total of not more than fifty-two (52) meetings (including committee meetings) as compensation for their services. Any proposed increase in the amount of compensation must be approved by a majority vote of the Board in accordance with procedures established by statute. Expenses of a Board member shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered in accordance with section 0144.1(b) of these Bylaws. M.C.L. 380.1254

Revised 12/95

0144.1 (b) **Reimbursements**

The following guidelines have been established by the Board of Education to ensure appropriate and proper reimbursement of expenses for Board members.

Expenses will be reimbursed only for activities authorized by the Board.

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Reimbursement for mileage will not exceed the current rate established by the Internal Revenue Service.

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Attendance at Board-approved conferences should be at the location closest to the District; however, this does not preclude attendance at conferences and workshops at a regional or National level.

When attending a Board-approved conference, all fees, travel costs, mileage, meals, and housing will be reimbursed. The maximum reimbursable expenses are as follows:

Housing: \$100 per night

Meals: Breakfast - \$10.00; Lunch - \$15.00; Dinner - \$25.00

Purchase of any printed or other materials relating to Boardmanship will be reimbursed if prepurchase approval is given by the Board. If such approval is not possible or feasible, a voucher must be submitted to the Board for approval. No postpurchase voucher will be approved if it exceeds \$100.00.

When the Board attends a community or school-related event as a Board function, or a Board member attends as the designated representative of the Board, any incurred expenses, including mileage, may be reimbursed by the Board. If a Board member attends such events as a private citizen, any incurred expenses are to be paid by the Board member.

No entertainment expenses or purchases of alcoholic beverages are reimbursable.

A voucher detailing the amount and nature of each expense must be submitted to the Board for approval within thirty (30) days after the expenses have been incurred.

M.C.L. 380.1254, 388.1764(b)

Revised 12/95

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0144.2 **Board Member Ethics**

As members of the Board of Education, Board members will strive to improve public education and to that end they will:

- A. attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
- B. recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings;
- C. render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
- D. encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;
- E. work with the other Board members to establish effective Board policies and to delegate authority for the administration of the District to the Superintendent;
- F. communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;
- G. inform themselves about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the State and National School Boards Association;
- H. support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

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- I. avoid being placed in a position of conflict of interest, and refrain from using their Board positions for personal partisan gain;
- J. take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law;
- K. remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.

Source: Board of Directors, National School Boards Association.

0144.3

Conflict of Interest

Board members shall perform their official duties in a manner free from conflict of interest. To this end:

- A. No Board member shall use his/her position as a Board member to benefit either himself/herself or any other individual or agency apart from the total interest of the School District.
- B. When a member of the Board determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board), and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon.
- C. A member of the Board is presumed to have a conflict of interest if the member or his/her family member has a financial interest, or a competing financial interest, in the contract or other financial transaction or is an employee of the School District, intermediate school district, or public school academy.

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Having a child in the District does not alone constitute a conflict of interest or financial interest in a contract or other financial transaction of the School District.

“Family member” means a person’s spouse or spouse’s sibling or child; a person’s sibling or sibling’s spouse or child; a person’s child or child’s spouse; or a person’s parent or parent’s spouse, and includes these relationships as created by adoption or marriage.

1. A Board member is not considered to have a financial interest in any of the following instances:
 - a. A contract or other financial transaction between the School District and any of the following:
 - 1) A corporation in which the individual is a stockholder owning 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owning stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
 - 2) A corporation in which a trust, if the individual is a beneficiary under the trust, owns 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owns stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.
 - 3) A professional limited liability company organized pursuant to the Michigan limited liability company act, if the individual is an employee but not a member of the company.

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- b. A contract or other financial transaction between the School District and any of the following:
 - 1) A corporation in which the individual is not a director, officer, or employee.
 - 2) A firm, partnership, or other unincorporated association, in which the individual is not a partner, member, or employee.
 - 3) A corporation or firm that has an indebtedness owed to the individual.
 - c. A contract between the School District and the intermediate school district.
 - d. A contract awarded to the lowest qualified bidder, upon receipt of sealed bids pursuant to a published notice for bids if the notice does not bar, except as authorized by law, any qualified person, firm, corporation, or trust from bidding. This does not apply to any amendments or renegotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.
2. If the financial interest pertains to a proposed contract with the District, the following requirements must be met:
- a. The Board member shall disclose the financial interest in the contract to the Board with such disclosure made a part of the official Board minutes.

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- b. Any contract in which there is a conflict of interest as defined by this bylaw and the related statute (M.C.L. 380.1203) must be approved by a majority vote of the full Board without the vote of any Board member with a financial interest.

However, if a majority of the members of the Board are required to abstain from voting on a contract or other financial transaction due to a financial interest, then for the purposes of that contract or other financial transaction, the members who are not required to abstain constitute a quorum of the board and only a majority of those members eligible to vote is required for approval of the contract or financial transaction.

- c. The official minutes of the Board disclose the name of each party involved in the contract, the nature of the financial interest, and the terms of the contract including the duration, financial consideration between the parties, facilities or services of the District included in the contract, and the nature and degree of assignment of District staff needed to fulfill the contract.
 - d. A Board member with a financial interest in a contract may participate in discussion , but may not vote on the contract.
- D. Board members shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds.

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- E. A Board member may be appointed to serve as a volunteer coach or supervisor of a student extra-curricular activity if all of the following conditions are present:
1. the Board member receives no compensation for service as a volunteer coach or supervisor;
 2. the Board member abstains from voting on issues before the Board concerning the program during the period of time s/he serves as a volunteer coach or supervisor;
 3. there is no other qualified applicant available to fill a vacant position; and
 4. the appointing authority has received the results of a criminal history check and criminal records check from the Michigan State Police or the Federal Bureau of Investigation for the Board member.

M.C.L. 15.183, 15.323, 380.1203

Revised 4/13/09
Revised 8/12/13
Revised 9/9/13
Revised 9/12/16

0144.4

Indemnification

The Board may bear the costs, including reasonable counsel fees and expenses and costs of appeal, if any, incurred by a Board member in his/her defense of a civil action, or in a criminal action that results in final disposition in his/her favor, brought against him/her for any act or omission arising out of and in the performance of duties as a Board member.

M.C.L. 691.1408

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0145 **Discriminatory Harassment**

The Board of Education's intent is to provide an environment that fosters the respect and dignity of each person. To this end, the Board is committed to maintaining an environment free of harassment and intimidation.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision. Other prohibited conduct includes that which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive environment on the basis of gender, religion, race, color, national origin or ancestry, age, disability, height, weight, marital status, and/or any other legally protected characteristic.

The harassment of a student, staff member, or third party (e.g. visiting speaker, athletic team member, volunteer, parent, etc.) is strictly forbidden. Any person who is found to have violated this policy will be subject to discipline in accordance with law.

M.C.L. 380.1300a

Adopted 4/15/96
Revised 11/13/06
Revised 6/5/18