

DOUGLAS COUNTY SCHOOL DISTRICT BOARD ITEM

BOE Meeting: June 10, 2025

Subject: 1.8, Board Member's Code of Conduct

Recommended Action: The Board of Education may submit comments, ask for clarification, and request additional information to assist the Board in the compliance ruling for this policy, which will occur June 10, 2025 as recommended by Director Brad Geiger, Douglas County School District Board of Education.

Pertaining to Governance Policy: Governance Process 1.8, Board Member's Code of Conduct. Complete GP 1.8 policy language is attached to this Board item as well.

Background: The Douglas County School Board routinely and systematically participates in a process of self-evaluation where it regularly reviews its Board-Superintendent Linkage and Board Process policies. The review is meant to be positive, constructive, and educational.

Rationale/Objective: The objective of monitoring Governance Process 1.8, Other Board Officers is three-fold:

1. To ensure that Douglas County School District Board of Education is in compliance with this policy;
2. To hold itself accountable to the public for its performance; and,
3. To review policy wording.

Cost/Benefit Analysis: NA

Alternatives: The Board of Education may:

- a) Accept the report as is and adopt a resolution at the June 10, 2025 meeting, indicating that the Board is in compliance;
- b) Not accept the report and ask that changes to the report be made and brought back for further discussion; or,
- c) Accept the report as is and adopt a resolution at the March 4, 2025 meeting stating that the Board is out of compliance.

Submitted by: Director Brad Geiger, DCSD Board of Education

Date: June 6, 2025

Memorandum

TO: Board of Education

FROM: Director Brad Geiger

SUBJECT: Monitoring Report for Governance Process 1.8, Board Member's Code of Conduct

I certify that, to the best of my knowledge, this information is accurate as of February 6, 2025

Period Monitored: June 6, 2024 through June 6, 2025

Monitoring Report Status: Partial Compliance (compliance with substantial sections of the policy with one incident of non-compliance with one section)

In compiling this report, I reviewed agendas and minutes from relevant meetings, emails from Board members to the Superintendent, other board members and to the public, emails from the public and public comment at Board meetings. Board members also participated in an online survey regarding conflicts of interest and loyalty. I also had a phone consultation with the Superintendent regarding certain sections of GP 1.8

GPS 1.8.1 is broader than the more specific financial conflicts of interest in 1.8.2. Directors are required to have completely unconflicted loyalty to the district. Because there are no specifics regarding such loyalty, to some extent this is based on the personal judgment of each director which is difficult to objectively evaluate. In survey responses no director indicated that they felt that they had any conflicts in loyalty. From a superficial review that might be sufficient to indicate compliance.

That said, the public has expressed concerns regarding what they refer to as conflicts of interest in several contexts. Directors Geiger and Moore were accused of a conflict of loyalty based upon their work as board liaisons to the long-range planning committee regarding school consolidation. Director Meyer was criticized for having a conflict of loyalty regarding her relationship with an outside advocacy group that was given access to the schools. Director Myers responded forcefully to those accusations while admitting sympathy to the goals of the organization. Director Williams, in her role as board president, has been accused of a conflict of loyalties in placing certain items on the agenda unilaterally. Specifically, some members of the public perceived that the addition of the consideration of the requested waiver of John Adams Academy and the appearance of the board of county commissioners regarding home rule reflected a preference for those outside organizations. Directors Thompson, Geiger, and Meek have been accused of loyalties towards outside political organizations as well.

GP 1.8.1 does not address appearances. It instead requires directors to be conscious and deliberate about where their loyalties lie. While review of relevant information does not indicate

clear conflict of loyalty it does indicate that being conscious of appearances promotes confidence in the board.

Absent clear evidence of such conflict, **the Board is in compliance with 1.8.1.**

GP 1.8.2 Addresses more direct financial conflicts of interest. There is no evidence that any director has a financial stake in the district, that there was any financial self dealing with the school district. During the compliance period there is no evidence that any director has had a conflict of interest requiring them to abstain from a vote. Nor is there any evidence that board members have used their position to obtain employment for anyone. This has been confirmed by conversation with Superintendent and review of board minutes. **The Board is in Compliance with 1.8.2**

GP 1.8.3 This section addresses board members attempting to exercise individual authority over the organization. The only reported concern regarding this section was during the consideration of the approval of a specific curriculum Director Williams indicated that she intended to have a private discussion with the proposed teacher. Director Williams later reported that no such conversation occurred. Superintendent Kane indicated that she was not aware of any instance where an individual Director had tried to direct her or her employees. Nor were there any reports of individual Directors meeting with students contrary to the provisions of 1.8.3.4. With the exception noted below, **the Board is in compliance with 1.8.3**

The Board could consider how to apply the broad language of 1.8.3.3 which prevents Directors from expressing “individual judgments of performance of employees.” Taken at its most literal this would prevent any Director from expressing appreciation for the work of any employee. In an email discussion with the Superintendent, she indicated that she did not believe such compliments constituted “judgements of performance” in such a way as to impact her ability to supervise employees. The Board should be clear if they also adopt that interpretation. **If so the Board is in Compliance with 1.8.3.3.**

GP 1.8.3.2 addresses Director’s limitations as individuals to speak or act for the Board as a whole. During this compliance period directors have at times spoken as individuals on matters relevant to the Board. Directors, in their survey response, indicated that when they spoke on such matters they routinely stated that they were acting as individuals. For example, Director Thompson has testified as an individual before the legislature in favor of a proposed reading challenge screening bill. Additionally, four members of the board, directors Williams Myers Moore and Winegar signed on to a letter opposing a bill before the legislature regarding trans rights. In each case the director specifically stated they were acting as individuals. The latter

example will be referenced again in the review of GP 1.8. 6 below. Given the announced position of each director as acting as an individual, it appears that **the Board is in compliance.**

GP1.8.4 There is no evidence that the directors have failed to maintain appropriate confidentiality of necessary issues regarding personnel and legal advice. **The Board is in compliance.**

GP 1.8.5.1 and 1.8.5.2 There have been no concerns expressed by board members, the public, or the Superintendent that board members are not prepared for board meetings and members are in compliance with attendance, with the only missed meetings being due to health or family issues. There is no evidence that any missed meetings have substantially impacted the performance of either the board or individual directors.

GP 1.8.5.3 and 1.8.5.4 The sections require Directors to engage in outside education on relevant topics. In their survey directors indicated that they made efforts to keep up to date on changes and trends in district education, but specific educational materials were not cited. Director Meek did indicate specific efforts she made to maintain proficiency particularly in policy governance. Director Meek has also provided education to other Directors as to policy governance. Directors have also attended the Colorado Association of School Boards annual conference and engaged in education there. Directors Williams and Meyer also attended a National conference to expand their education, and Director Thompson has completed her Doctoral Studies in a relevant area. The Superintendent and staff have also provided updates to directors on relevant issues, especially regarding Dyslexia screening and the impact of social media. The board might consider subscribing to relevant newsletters and journals as a board to maintain proficiency. **The Board is in compliance with GP 1.8.5**

GP 1.8.6 requires members to support the “legitimacy and authority of all board decisions”. On December 4, the board met to establish legislative priorities. Those were approved by vote of the board. At that time, lobbying decisions were assigned to the Superintendent and the district hired lobbyist. On May 5th, four members of the board signed on to a third-party letter directed to legislators regarding a bill then pending. This letter included concern regarding parts of the bill that had already been removed. The board directors went beyond the approved board legislative policy and expressed priorities as to lobbying. This is arguably a failure to comply with both the priorities and process approved by the full board in December. If individual members are going to individually lobby on specific bills that may need to be addressed in the legislative priority process. In this case, **members of the board were not in compliance.**

GP 1.8.7 details the appropriate response to concerns about any policy violation, not just those contained under GP 1.8.

During this compliance period there were no formal violations addressed under this section. However, during the board retreat on December 6, 2024 concerns were raised that Director Geiger had violated policy based upon language in a social media post. No formal violation was noted nor was there any private conversation pursuant to 1.8. 7.1. Instead, the matter was placed upon the agenda as a discussion of policy expectations. It should be noted that at least one other concern regarding a conflict of loyalty regarding Director Myers and her advocacy for an outside group was raised by Director Meek but was not addressed pursuant to GP 1.8.7. As there were no formal invocations of GP 1.8.7 it appears the **Board is in compliance.**

Conclusion: To the best of my knowledge this information is accurate as of June 6, 2025. This report should reflect that the Board is in partial compliance with Governance Process 1.8, Board Member's Code of Conduct.

Additional input for Board Consideration:

The Board should discuss the extent to which casual compliments or criticisms of staff members by a Director violate GP 1.8.3

The Board should reach agreement on the extent to which individual directors will offer input on legislative matters outside the agreed upon lobbying process.

GP 1.8 Board Members' Code of Conduct

The Board commits itself and its members to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as Board members.

1.8.1 Members must have loyalty to the entire ownership, unconflicted by loyalties to staff, other organizations, including interest or advocacy groups, citizens of a director District, membership on other boards or staffs, interest as a parent of a student in the District, and any personal interest as a consumer.

1.8.2 Members must avoid conflict of interest with respect to their fiduciary responsibility.

1.8.2.1 There will be no self-dealing or business by a member with the organization. Members will annually disclose their involvements with other organizations, with vendors, or any associations that might be or might reasonably be seen as being a conflict.

1.8.2.2 When the Board is to decide upon an issue, about which a member has an unavoidable conflict of interest, that member shall abstain without comment from not only the vote, but also from the deliberation.

1.8.2.3 Board members will not use their Board position to obtain employment in the organization for themselves, family members, or close associates. Should a Board member apply for employment, he or she must first resign from the Board.

1.8.2.4 Board members shall not engage in a substantial financial transaction for the member's private business purposes with the Superintendent or any executive of the District without prior Board approval.

1.8.3 Board members may not attempt to exercise individual authority over the organization.

1.8.3.1 Members' interaction with the Superintendent or with staff must recognize the lack of authority vested in individuals except when explicitly Board authorized. The Superintendent is accountable only to the Board as an organization, and not to individual Board members. Therefore, the relationship between the Superintendent and individual members of the Board, including the President, is collegial, not hierarchical.

1.8.3.2 Members' interaction with public, press, or other entities must recognize the same limitation and the inability of any Board member to speak for the Board except to repeat explicitly stated Board decisions.

1.8.3.3 Except for participation in Board deliberation about whether reasonable interpretation of Board policy has been achieved by the Superintendent, members will not express individual judgments of performance of employees.

1.8.3.4 Members shall not meet alone with an individual student in their capacity as Board members without obtaining written permission of the parent or guardian in advance. This restriction is not intended to prohibit a Board member from attending public meetings, performances, athletic events, graduations, visiting classrooms, or similar open events during which Board member interactions with students are expected and encouraged.

1.8.4 Members will respect the confidentiality appropriate to issues of a sensitive nature.

1.8.5 Board and Committee Meetings:

1.8.5.1 Attendance - As contemplation, deliberation, and decision-making require collaboration and participation, Board members are expected to attend Board meetings.

1.8.5.2 Preparation and Participation - Board members will prepare for Board and committee meetings, will participate productively in discussions, and are expected to achieve and maintain proficiency in Policy Governance.

1.8.5.3 Board members will keep reasonably up-to-date on changes and trends in District education by reading newsletters, journals, and other sources.

1.8.5.4 Board members are expected to achieve and maintain proficiency in Policy Governance.

1.8.6 Members will respect and support the legitimacy and authority of all Board decisions, irrespective of the member's personal position on the matter.

1.8.7 In the event of a Board member's suspected violation of policy, the Board will seek to resolve the matter by the following process:

1.8.7.1 Suspected substantial violations may only be brought forward by a member of the Board or Superintendent. Upon notification of such violation, the President shall initiate a conversation in a private setting between the member in question and the President acting as the representative of the Board. This conversation may also include, in the President's discretion, the other Board member or person who raised the question about the Board member's compliance. If the violation is by the President, the member of the Board will bring the violation to the Vice President. If President and Vice President, the member of the Board will bring the violation to the entire Board.

1.8.7.2 At the President's discretion, verbal or written report and recommendation of the President provided to the Board in a closed session, to the extent permitted by law, or to Board members by other means.

1.8.7.3 At the Board's discretion, discussion in a work session between the member in question and the full Board.

1.8.7.4 Public censure of the member in question where a substantial violation is found by the Board.