

Community College Trustees and Conflicts of Interest –

ECWd –

This year has been one of those unique election cycles where the election results created real questions on what exactly constitutes a conflict of interest when serving as an elected Community College Trustee.

First, is a student (full or part-time irrelevant) that ran for, and was elected as, a trustee in the community college he is a student at.

Second is a faculty member who ran for and was elected as, a trustee in the community college where she is employed.

Questions arise out of a student's conflict of interest by being an elected trustee (not as a non-voting student trustee) and his ability to impartially exercise the powers of his office. There is a potential of unscrupulous professors of either withholding good grades because of votes taken or enhancing his grades in an attempt at getting a favorable vote on things such as employment. There is also the chance of an unscrupulous trustee taking advantage of the professors and his own ability to affect their employment.

Any vote that would directly benefit the student, such as reduction of tuition, fees, etc., becomes a conflict. Many point to having such a trustee simply abstain from voting as if that shields them from the conflict. Abstentions are a matter of law and that action carries with the majority, thus their vote counts. In addition, is a trustee abstaining from matters of conflict performing the duties he was elected to perform? When a trustee removes themselves from the performance of their duty to prevent a conflict, they have not only acknowledged a conflict exists but they have taken away

the representation of the very people that elected them. Such actions can potentially become an equal protection issue under our US Constitution.

Can a student trustee provide real impartiality on matters that have a direct financial interest for their parent (retired or working)? Researching the vast library of [Attorney General Opinions on Conflicts](#) it appears there has never been an opinion issued regarding the above-referenced situation. We believe a request for such an opinion is proper, for the benefit of the elected officials as well as the institution.

Questions arising from an employee serving as an elected trustee of the college she is employed with is more cut-and-dried than the student question. The Public Officer Prohibited Activities Act generally prohibits elected officials from serving should they have an interest in contracts. The Community College Act also prohibits interests in contracts.

We ran across this in the Village of Lerna with the Mayor/Maintenance Supervisor and in Shelbyville Township with the Trustee/Janitor positions. In those situations, the conflict was cured by resignations from either the elected position or the employee position.

It is our non-legal position that both the faculty member and student who were elected this spring should either resign as employee/student or resign/decline to take office as a trustee. We realize one is more obvious than the other, but short of a quick opinion from the Attorney General, there are little options available to prevent the appearance of a conflict of interest in both positions.

Penalties for violating the [Public Officer Prohibited Activities Act](#) are harsh.

.



Help Us Keep
Shining The Light
On Local Governments