

REVISED POLICY - VOL. 34, NO. 2

CONFLICT OF INTEREST

- A. The proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by Board of Education's **members, and the District's employees, officers and agents**. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence in the School District. For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines **apply to all District employees, officers and agents, including members of the Board. These guidelines** are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees, **officers and agents**.
1. No employee, **officer or agent** shall engage in or have a financial **or other** interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.
 2. Employees, **officers and agents** shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment **or professional relationship** with the School District.

Included, by way of illustration rather than limitation are the following:

- a. the provision of any private lessons or services for a fee

- b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, **officer's or agent's** employment or **professional relationship with the District** through his/her access to School District records
 - c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
 - d. the requirement of students or clients to purchase any private goods or services provided by an employee, **officer or agent** or any business or professional practitioner with whom any employee, **officer or agent** has a financial **or other** relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
3. Employees, **officers and agents** shall not make use of materials, equipment, or facilities of the School District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

- B. Exceptions to Part A of this policy shall be approved by the Superintendent **before** entering into any private relationship.
- C. Employees, **officers and agents can** ~~may~~ not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, **officer or agent**, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

~~No employee~~ **Employees, officers and agents can not** ~~may~~ solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. ~~involved with Federal grant funds~~

- [X] **However, pursuant to Federal rules, the School District has set standards for when** ~~except that~~ an employee, **officer or agent** may accept ~~the~~ a gift of an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$ **25.00** or less. **[END OF OPTIONAL LANGUAGE]**

[DRAFTING NOTE: Section 200.318 allows for non-Federal entities (Districts) to set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. In such a situation, "nominal value" must be defined. The Ohio Licensure Code of Professional Conduct stipulates that no educator shall accept gifts of \$25 or more. The Ohio Ethics Commission does not list a monetary limit. Rather, it states that no public official shall accept a gift of value that could exert a substantial and improper influence upon a public official. The commission determines whether the value is "substantial" or "improper" on a case by case basis. The commission requires disclosure of gifts of \$75 or more each year by public officials.]

D. To the extent that the District has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.

E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

[DRAFTING NOTE: The School District has discretion over the appropriate disciplinary actions. For example, the School District may suspend or terminate the individual's employment, transfer the individual, end the District's professional relationship with that individual, or temporarily re-assign the individual. All disciplinary actions must be in accordance with applicable Federal, State, and local law, as well as any collectively bargained agreements.]

~~Violation of this policy shall result in discipline, which may include termination from employment.~~

Applicable laws, regulations and guidance:

R.C. Chapter 102, 2921.42, 2921.43

Ohio Ethics Commission Advisory Opinions No. 92-014 and 2001-03

2 C.F.R. 200.112, 200.113, 200.318