

## ***Board File: GBEA***

### **STAFF ETHICS AND CONFLICTS OF INTEREST**

Public employment is a public trust. Upon accepting employment with the district, an employee also accepts the responsibility to act honestly and objectively for the benefit of the public in matters affecting the district. Therefore, no employee of the district shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with, or raises a reasonable question of conflict with, his or her duties and responsibilities in the school system. Employees are expected to perform the duties of the position to which they are assigned and to observe rules of conduct and ethical principles established by state and federal law and district policies and regulations.

#### **Conflicts of Interest**

It is the intent of this policy and the implementing regulation to protect the public trust by preventing any situation that would interfere with an employee's duty to act objectively to fulfill his or her responsibilities. Incompatibility arises when the public is deprived of the independent judgment of a public official or employee. Because the maintenance of public confidence is of the utmost importance to the district, actual or potential conflicts of interest creating the appearance of impropriety or irregularity must be avoided.

In general, a conflict of interest is any involvement in a matter of personal or financial interest which is incompatible with the district employee's assigned duties and responsibilities. A potential conflict of interest is a relationship or situation which tends to influence, or appears to influence, an employee to advance interests other than the district's interests in fulfilling the employee's duties and responsibilities.

#### ***Prohibited Employee Conflicts of Interest in Transactions Supported by Federal Funds***

Federal law imposes restrictions on the conduct of district employees whenever the transaction in question is supported by federal funds subject to the Uniform Grant Guidance (UGG). Under the UGG, a district employee shall not participate in the selection, award or administration of a contract supported by a federal award if the employee has a conflict of interest as defined by the UGG. A conflict of interest arises under the UGG when the employee, any member of his or her immediate family, his or her business partner, or an organization which employs or is about to employ any of the aforementioned parties has a substantial financial or other interest in or would obtain a substantial tangible personal benefit from a firm considered for a contract. In addition, the UGG prohibits district employees from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties to subcontracts that are federally funded, unless the gift is an unsolicited item of nominal value.

Activities Which Benefit the Employee by Personal Gain, Financial Gain, or Private Advantage Prohibited

A district employee shall not engage in activities that benefit the employee by personal gain, financial gain, or private advantage because of commercial exploitation of his/her status, influence, position with the district or professional relationship with students.

An employee shall not sell any books, instructional supplies, musical instruments, equipment or other school supplies to any student or to the parents/guardians of a student who attends the school served by the employee unless prior approval has been obtained from the Board.

It is unlawful for any teacher of a school district to take or receive any part of or portion of moneys from the sale, proceeds, profit, or items in lieu thereof of any book, musical instrument, school supplies, school apparatus, or other materials, including custodial office, and athletic supplies, sold to a minor, or the parent or guardian of any such minor, enrolled in the school where such teacher is performing services, or which may be sold to said school district; but it shall not be unlawful for a teacher to receive a part or portion of moneys from the sale, proceeds, profit, or items in lieu thereof if such teacher first obtains the written consent of the employing board. Any teacher who violates this legal requirement, upon appropriate determination thereof, is subject to the revocation of the teacher's license or authorization as provided in C.R.S. 22-60.5-108.

District Prohibition of Authority Over Member of Employee's Immediate Family

More than one member of an immediate family may be employed by the district. However, to avoid a conflict of interest, the district prohibits an employee from exercising supervisory, appointment, dismissal authority, or authority to take disciplinary action over a member of the employee's immediate family.

**Other Rules of Conduct and Ethical Principles**

All employees are expected to perform the duties of the position to which they are assigned and to observe rules of conduct and ethical principles established by federal and state law and district policies and regulations.

Duty of Confidentiality

All confidential information an employee is privy to as a result of district employment shall be kept strictly confidential and shall not be used in order to further substantially his or her personal financial interests. In addition, employees shall not utilize information solely available to them through school sources to engage in any type of work outside of the school district. This includes information concerning potential customers, clients or employers.

*Gift Ban*

Consistent with C.R.S. 24-18-104, a district employee shall not accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value that is intended to, or would tend to, improperly influence a reasonable person in the employee's position to depart from the faithful and impartial discharge of the employee's public duties or that the employee knows or should know is primarily for the purpose of rewarding the employee for official action taken.

*Prohibition Against Non-District Approved Activities Resulting in Private Gain*

District employees shall not use their position with the district for private or individual gain and therefore shall not:

- Engage in non-district approved activities resulting in private or individual gain that rely upon the use of district buildings, equipment, supplies, in-school services of other district personnel or in-school contact with district students;
- Engage in activities that benefit the employee by personal gain, financial gain, or private advantage because of commercial exploitation of his/her status, influence, position with the district or professional relationship with students;
- Perform any action in which the employee has discretionary authority that directly and substantially confers an economic benefit on a business or other undertaking in which the employee has a substantial financial interest or in which the employee has engaged as a counsel, consultant, representative, or agent;
- Use district facilities, equipment, or supplies for personal, family, or business purposes.

A violation of this policy or any related regulation may subject the employee to disciplinary action, up to and including termination.

Current practice codified 1978

Adopted: February 6, 1979

Revised: March 21, 1989

Revised: August 17, 1999

Repealed by the Board and re-enacted and revised by the Superintendent: August 19, 2003

Revised: October 24, 2005

Revised: June 9, 2020

LEGAL REFS.:

2 C.F.R. 200.318(c) (*Uniform Grant Guidance – written standards of conduct covering conflicts of interest required concerning the selection, award and administration of contracts supported by federal funds*)

C.R.S. 22-63-204 (*teachers receiving money for items sold to students/parents without written consent from Board*)

C.R.S. 24-18-104 (*rules of conduct for all public officers, local government officials, and employees*)

C.R.S. 24-18-105 (*ethical principles for public officers, local government officials, and employees*)

**CROSS REF.:**

GBEA-R, Staff Ethics and Conflicts of Interest

DKC, Expense Authorization/Reimbursement (Mileage and Travel)

DJ-R, Purchasing Procedures GBEB,

Staff Conduct

GCE/GCF, Professional Staff Recruiting/Hiring

GCQF, Discipline, Suspension and Dismissal of Professional Staff (And Contract Nonrenewal)

GDE/GDF, Support Staff Recruiting/Hiring

GDQD, Discipline, Suspension and Dismissal of Support Staff