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Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

4110 - CONFLICT OF INTEREST

Staff members, officers, and agents shall perform their official duties in a manner free from conflict of interest. To this end:

- A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by the ~~School~~ District's Board members, employees, officers, and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the ~~School~~ District.

To accomplish this, the Board of Education has adopted the following guidelines which apply to all District employees, officers, ~~and agents,~~ **and Board members** ~~including members of the Board~~ to assure that conflicts of interest do not occur. These guidelines are not intended to be all-inclusive, nor to substitute for good judgment on the part of all employees, officers, **agents, and Board members** ~~and agents~~.

1. No employee, officer, ~~or agent,~~ **or Board member** 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 **the employee's, officer's, agent's, or Board member's** ~~his/her~~ duties and responsibilities in the school system. When a staff member determines that the possibility of a personal interest conflict exists, **the staff member** ~~he~~ should, prior to the matter being considered by the Board or administration, disclose **the staff member's** ~~his/her~~ interest (such disclosure shall become a matter of record in the minutes of the Board).
2. No staff member, officer, ~~or agent,~~ **or Board member** shall use **their** ~~his/her~~ position to benefit either **themselves** ~~himself/herself~~ or any other individual or agency apart from the total interest of the ~~School~~ District.
3. If the financial interest pertains to a proposed contract with the District, the following requirements must be met.

The staff member, officer, ~~or agent,~~ **or Board member** shall disclose the direct financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. If **the** ~~his/her~~ direct financial interest amounts to \$250 or more or five percent (5%) or more of the contract cost to the District, the staff member, officer, ~~or agent,~~ **or Board member** shall make the disclosure in one (1) of two (2) ways:

- a. In writing, to the Board President at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165)
 - b. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member, officer, ~~or agent,~~ **or Board member** must use this method of disclosure if **the** ~~his/her~~ financial interest amounts to \$5,000 or more.
4. Employees, officers, ~~and agents,~~ **and Board members** 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 **the employee, officer, agent, or Board member** ~~they~~ may have with any student, client, or parents of such students or clients in the course of **the employee's, officer's, agent's, or Board member's** ~~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~~, or Board member'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 Board member, or any business or professional practitioner with whom any employee, officer, ~~or agent~~, or Board member has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
5. Employees, officers, ~~and agents~~, and Board members 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. Should exceptions to this policy be necessary in order to provide services to students or clients of the ~~School~~ District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Superintendent before entering into any private relationship.
- C. No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract. ~~Employees, officers, and agents can 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.~~

Pursuant to Federal rules, the District has set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$100 _____ or less[] ~~Employees, officers, and agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds. Employees, officers, and agents may, however, accept a gift of unsolicited items of "nominal value" from a contractor or party to subcontracts that do not involve Federal grant funds. For purposes of this section, "nominal value" means that the gift has a monetary value of \$ _____ or less.~~

[In accordance with M.C.L. 380.634, the Michigan Department of Education (MDE) adjusts the limits on the value of gifts that may be accepted from vendors or potential vendors for Intermediate School District employees. The fiscal year 2023-2024~~2021-22~~ cap for gifts was \$7364.]

- D. ~~If 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 in conducting a procurement action involving a related organization.
- E. Employees, officers, ~~and agents~~, and Board members must promptly 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 promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729–3733). The disclosure must be made in writing to the Federal agency, the agency’s Office of Inspector General, and pass-through entity. The District is also required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200. 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,~~ and Board members 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.]

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Legal 2 C.F.R. 200.112, 200.113, 200.318
M.C.L. 380.634, 380.1805(1)

Last Modified by Tamara Young on December 6, 2024