

Descriptor Term: STAFF CONFLICT OF INTEREST	Descriptor: GBEA	Issued: Draft 6-10-10
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BOARD POLICY

No employee of the school District shall use his/her official position or influence arising from school District employment to obtain pecuniary benefit for himself, for a relative or a business with which the employee is associated. Nothing in this policy shall prevent the school District from contracting with or purchasing goods and services from any business or enterprise in accordance with state law, provided that it can be shown that the school District employee did not use position or influence to direct public or school-related funds to himself/herself, a relative or to an employee associated business.

No person may have any financial interest, directly or indirectly (other than his contract of employment), in any contract with the school District, including services and/or purchase of goods, while an employee or for one (1) year after the end of his employment.

The school District may employ a relative of a school District employee, provided that the employee has no decision-making authority or influence over the hiring of such relative. In order that there is no conflict of interest in the supervision and evaluation of employees, an administrator, department head or other supervisory staff member shall not be a relative of any employee under his/her supervision or authority. Any employee placed in this position should immediately notify the superintendent. Employees discovered in violation of this policy will be subject to transfer, demotion, discipline or dismissal.

The Board authorizes administration to develop procedures to prevent conflict of interest in furtherance of this policy.

ADMINISTRATIVE PROCEDURE

1. Definitions

1.1. "Business with which the employee is associated" means a business or enterprise of which the employee or relative is an officer, director, owner, partner, shareholder of more than ten percent (10%) of the value thereof, an employee of the business or enterprise who receives more than \$1,000 in annual income, or over which the District employee or relative exercises control.

1.2. "Relative" shall be defined as spouse, parent, sibling or child.

1.3. Gain: Personal gain and pecuniary benefit may result not only in cases where an employee or relative has an interest in a business with which the District contracts, but also when an employee or relative receives a commission, fee, kick-back, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Tupelo Public School District.

~~Employees will not use public employment for private gain. Employees will not:~~

2. Prohibited activities. Examples of prohibited activities include but are not limited to:

2.1. Using ~~To use~~ institutional privileges for private gain.

- 2.2. **Soliciting** ~~To solicit~~ or receiving compensation, other than that allowed by law, for performance of duties.
- 2.3. ~~To~~ Knowingly authorizing or utilizing the authority or influence of office to secure public contracts in which the employee or relatives of the employee have an interest.
- 2.4. **Offering** ~~To offer~~ any favor, service, or thing of value relating to ~~school~~ District employment to obtain special advantage.
- 2.5. **Permitting** ~~To permit~~ commercial exploitation of the professional position of the employee.
- 2.6. **Engaging** ~~To engage~~ in selling any of the following merchandise or services of personal profit to students or parents of the school in which they work: instructional supplies and equipment; reference books; educational tours; or other educationally related product or service.
- 2.7. **Furnishing** ~~To furnish~~ a list of students or parents or other information for the purpose of selling such materials or services.
- 2.8. **Benefitting** ~~To benefit~~ from any contract with the District in violation of law.
- 2.9. **Using** ~~To use~~ his or her position to influence the purchase of goods or use of services by a school booster organization, parents' auxiliary or student activity support group (not involving public funds) from a relative or a business with which the employee is associated.
- 2.10. **Gaining** ~~To gain~~ employment preference by granting favors or influence.

3. Disclosing potential conflict of interest

- 3.1. No presumption of impropriety is created by the mere existence of a relationship ~~of~~ **between** an employee with any person or business with which the ~~school~~ District does business.
- 3.2. ~~However, each~~ Employees are obligated to disclose as soon as possible to the superintendent or designee potential conflicts of interest arising out of transactions, purchases, contracts and/or leases over which the employees have authority or influence.
- 3.3. The superintendent is authorized to act upon such disclosures to institute safeguards to avoid or resolve conflicts of interest and to take appropriate disciplinary steps in the event of a failure to disclose potential conflicts or violations of this policy.
- 3.4. The superintendent or designee, ~~Business Manager~~, **Director of Finance** and Administrative Counsel shall keep the school board advised on conflicts of interest and their avoidance or resolution.

EXHIBITS

None

REFERENCES

MCA §§ 25-4-1 et seq.; 37-9-21; 37-11-27.

FORMS

None