
FIRST READING OF SCHOOL BOARD POLICIES

POLICY ISSUE/SITUATION:

Attached are OSBA and BSD staff suggested changes presented for a first reading. The policies are:

- **BBB** – Board Elections
- **BBFA** – Board Member Conflicts of Interest
- **BBFB** – Board Member Ethics and Nepotism
- **GBC** – Staff Ethics

BACKGROUND INFORMATION:

Departments are continuing to work to reach compliance of the policies pertinent to their areas. During this school year we will continue to present various sets of new policy changes for review.

RECOMMENDATION:

It is recommended that the School Board review these first readings.

Beaverton School District

Code: BBB
Adopted: 9/8/97
Revised: 11/15/04

BOARD ELECTIONS

1. Number of Directors

The Board will consist of seven members elected at large and will be known as the district school board.

2. Designation of Board Positions

Board members' positions and their respective successors in office will be designated by numbers as Position No. 1, No. 2, No. 3, No. 4, No. 5, No. 6 and No. 7. In all proceedings for the nomination or election of candidates for or to the office of Board member, every petition for nomination, declaration of candidacy, certificate of nomination, ballot or other document used in connection with the nomination or election will state the position number to which the candidate aspires.

Individuals may seek more than one elected position such as school board and education service district board. ~~However, individuals may not seek more than one elected position in the same election.~~

Re-elections for Board positions will occur as follows:

Position No. 1: May 2005, and every four years thereafter;
Position No. 2: May 2005, and every four years thereafter;
Position No. 3: May 2007, and every four years thereafter;
Position No. 4: May 2005, and every four years thereafter;
Position No. 5: May 2005, and every four years thereafter;
Position No. 6: May 2007, and every four years thereafter;
Position No. 7: May 2007, and every four years thereafter.

END OF POLICY

Legal References:

ORS 249.013
~~ORS 255.075~~
ORS 255.235
ORS 255.245
~~ORS 255.335~~

ORS 332.011
ORS 332.018
ORS 332.118 - 332.126
ORS 332.136
~~ORS 335.505~~

BOARD MEMBER ETHICS AND CONFLICTS OF INTEREST

No Board member will use his/her official position or office to obtain personal financial benefit or to avoid financial detriment for him or herself, relatives, ~~household members~~ or for any business with which the Board member, ~~household member~~ or a relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the annual \$50 gift limit from one who has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. District-provided meals at board meetings are acceptable under the reimbursement of expenses exception.

I. Conflicts of Interest

“Business” means any corporation, partnership, proprietorship, enterprise, association, franchise, firm, organization, self-employed individual or any legal entity operated for economic gain. This definition excludes any income-producing tax-exempt 501(c) not-for-profit corporation with which a public official or a relative of the public official is associated only as a member or board director or in a non-remunerative capacity.

“Business with which a Board member or relative is associated” means any private business or closely held corporation of which a Board member or relative is a director, officer, owner, employee or agent or any private business or closely held corporation in which a Board member or relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding year; any publicly held corporation in which a Board member or relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year; or any publicly held corporation of which a Board member or relative is a director or officer.

~~“Relative” in the conflict of interest context is defined as a Board member’s spouse or Oregon Registered Domestic Partner; any children of the Board member or of the Board member’s spouse; brothers, sisters, half brothers, half sisters, spouses of siblings, parents of a Board member or of spouse, aunts, uncles, nieces, nephews and step parents.~~

“Relative” means: 1) the Board member’s spouse, including domestic partners, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law; 2) the spouse of the Board member’s parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.

~~“Member of the household” means any person who resides with the public official.~~

No Board member will solicit or receive, either directly or indirectly, any pledge or promise of future employment based on any understanding that the Board member's vote, official action or judgment would be thereby influenced.

No Board member will attempt to use or use for personal gain any confidential information gained through his/her official position or association with the District. A Board member will respect individuals' privacy rights when dealing with confidential information gained through association with the District.

If a Board member participates in the authorization of a public contract, the Board member may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

Individual Board members and the Board as a public entity are bound by the ~~Code of Ethics~~ ethics laws for public officials as stated in Oregon law.

Potential Conflict of Interest

"Potential conflict of interest" means any action or any decision or recommendation by a Board member that could result in a financial benefit or detriment for self or relatives or for a business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare a potential conflict of interest. A Board member may, after declaring his/her potential conflict of interest, either vote or abstain on the issue. Abstaining from a vote does not meet the legal requirement of publicly stating a potential conflict.

Actual Conflict of Interest

"Actual conflict of interest" means any action or any decision or recommendation taken by a Board member that would result in a financial benefit or detriment to self or relatives or for any business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare an actual conflict of interest. The Board member may not vote lawfully if an actual conflict of interest exists unless a vote is needed to meet a minimum requirement of votes to take official action. Such a vote does not allow the Board member to participate in any discussion or debate on the issue out of which an actual conflict arises.

Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

II. Gifts

Board members are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. All gift related provisions apply to the Board member, their relatives, ~~and members of their household~~. The \$50 gift limit applies separately to the Board member, and to the Board member's relatives ~~or members of household~~, meaning that the Board member and each ~~member of their household and~~ relative can accept up to \$50 each from the same source/gift giver. "Gift" means something of economic value given to a Board member without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

"Relative" in the gift context means

1. The Board member's spouse, including domestic partners, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;

2. The spouse of the Board member's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.

~~1. the spouse of the Board member; the Oregon Registered Domestic Partner of the Board Member; any children of the Board member or of the Board member's spouse; siblings, spouses any children of the Board member or of the Board member's spouse; siblings, spouses of siblings or parents of the Board member or of the Board member's spouse; any individual for whom the Board member has a legal support obligation; or any individual for whom the Board member provides benefits arising from that individual's employment.~~

~~2. "Member of the household" means any person who resides with the Board member.~~

Determining the Source of Gifts

Board members should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the Board member's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the Board member need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A legislative or administrative interest means an economic interest distinct from that of the general public, in any action subject to the decision or vote of a person acting in the capacity of a Board member. For example, everyone within a county has a general interest in the fire department, but the person who sells the uniforms to the fire department has a legislative/administrative interest in the fire department that is distinct from the general public.

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

"Fair market value" is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count

toward the fair market value of the gift if the Board member does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payor of the Board member's admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the Board member is \$25. This example requires that the Board member does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the Board member's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the Board member.
3. Upon request by the Board member, the source will give notice of the value of the merchandise, goods, or services received.
4. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale Value

Board members may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Board members may not solicit or accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member unless:

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The Board member is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when a Board member appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the Board member at a special occasion associated with the entertainment. Examples of an appearance by a Board member at an entertainment event for a ceremonial purpose include throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts.

3. Campaign contributions are not considered gifts under the ethics rules.
4. Gifts from “relatives” and ~~“members of the household”~~ are permitted in an unlimited amount; they are not considered gifts under the ethics rules.
5. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties.
6. Contributions made to a legal expense trust fund if certain requirements are met.
7. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:
 - a. Organized Planned Events. Board members are permitted to accept payment for travel conducted in the Board member’s official capacity, for certain limited purposes:
 1. Reasonable expenses (i.e. food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (a) The Board member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND
 - i) The giver is a unit of a:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR
 - c) Non-profit corporation.
 - (b) The Board member is representing the district:
 - i) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - ii) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the Board.
 - (2) The purpose of this exception is to allow Board members to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally

discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

8. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the Board member is representing the district. Again, this exception does not authorize private meals where the participants engage in discussion. "Reception" means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.
9. Food or beverage consumed by Board member acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(6)(b)(I)(i).
10. Waiver or discount of registration expenses or materials provided to Board member at a continuing education event that the Board member may attend to satisfy a professional licensing requirement.
11. A gift received by the Board member as part of the usual or customary practice of the Board member's private business, employment or position as a volunteer that bears no relationship to the Board member's holding of public office.

Honoraria

A Board member may not solicit or receive, whether directly or indirectly, honoraria for the Board member or relative ~~any member of the household of the Board member~~ if the honoraria are solicited or received in connection with the official duties of the Board member.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the Board member or candidate.

END OF POLICY

Legal References:

ORS 162.015 - 162.035

OAR 199-005-0003 to 199-020-0020

ORS 162.405 - 162.425

ORS 244.010 – 244.400

ORS 332 - 055

~~ORS 659A.006~~

Opinions of the Attorney General, Vol. 38, p. 1995 (1978)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

Board Member Ethics and Nepotism

In order to avoid both potential and actual conflicts of interests, Board members will abide by the following rules when a Board member's relative ~~or member of the household~~ is seeking and/or holds a position with the district:

1. A Board member may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative ~~or a member of the household~~, unless the Board member complies with the conflict of interest requirements of ORS Chapter 244;
2. This policy does not apply to decisions regarding unpaid volunteer positions unless it is a Board member position or another Board-related unpaid volunteer position (i.e. a Board committee position);
3. A Board member may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative ~~or a member of the household~~. A Board member may still serve as a reference or provide a recommendation.

For the purposes of this policy, a ~~"member of the household"~~ means any person who resides with the Board member and "relative" means:

1. The Board member's spouse or Oregon Registered Domestic Partner, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
2. The spouse of the Board member's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.
2. ~~Any children of the Board member, or his/her spouse, or his/her Oregon Registered Domestic Partner; and~~
3. ~~Brothers, sisters, half brothers, half sisters, brothers in law, sisters in law, sons in law, daughters in law, mothers in law, fathers in law, aunts, uncles, nieces, nephews, stepparents, stepchildren, or parents of the Board member, or the parents of his/her spouse, or his/her Oregon Registered Domestic Partner.~~

Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class including the Board member's relative ~~or household member~~. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

END OF POLICY

Legal Reference(s):

ORS 244.010 - 244.400

~~ORS 332.016~~

ORS 659A.309

OAR 199-005-0003 to-199-020-0020

~~OAR 584-020-0040~~

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

STAFF ETHICS

I. Conflict of Interest

No District employee will use his/her District position to obtain personal financial benefit or avoidance of financial detriment or financial gain or avoidance of financial detriment for relatives, ~~household members~~ or for any business with which the employee, ~~household member~~ or relative is associated.

"Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity operated for economic gain.

"Business with which the employee or a relative is associated" means: (1) any private business or closely held corporation of which an employee or relative is a director, officer, owner, employee, or agent; (2) any private business or closely held corporation in which an employee or relative owns or has owned stock, another form of equity interest, stock options, or debt instruments worth \$1,000 or more at any point in the preceding year; (3) any publicly held corporation in which an employee or relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options, or debt instruments at any point in the preceding calendar year; and (4) any publicly held corporation of which an employee or relative is a director or officer.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the District employee.

District employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as staff members. This means that:

1. Employees will not use their position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be District property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No District employee may serve as a Board or Budget Committee member in the District;

5. An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time that he/she needs to fulfill the position's responsibilities; nor will an employee use any District facilities, equipment or materials in performing outside work unless such employee has utilized the District process for obtaining public building use.
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If an employee has a potential or actual conflict of interest, the employee must notify his/her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict.

"Potential conflict" of interest means any action, decision, or recommendation by a District employee that could result in the private monetary benefit or detriment to the employee, to relatives, or to a business with which the employee or relatives are associated, unless otherwise provided by law.

"Actual conflict" of interest means any action, decision, or recommendation taken by a District employee that would result in a private monetary benefit or detriment to the employee, to relatives, or to any business with which the employee or relatives are associated, unless otherwise provided by law.

In order to avoid both potential and actual conflicts of interests, District employees must abide by the following rules when an employee's relative ~~or member of the household~~ is seeking and/or holds a position with the District:

1. A District employee may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative ~~or a member of the household~~, unless he/she complies with the conflict of interest requirements of ORS Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position.
2. A District employee may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative ~~or a member of the household~~. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee.
3. More than one member of an employee's family may be hired as a regular District employee. In accordance with Oregon law, however, the District may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family.

~~In the "conflict of interest context", a "member of the household" means any person who resides with the employee and "r~~Relative" means:

1. The employee's spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;

¹The term spouse includes domestic partners.

2. The spouse of the employee's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law. Any children of the employee, or his/her spouse; and
3. ~~Brothers, sisters, half brothers, half sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren, or parents of the employee, or his/her spouse.~~

II. Gifts

District employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the District employee. All gift related provisions apply to the employee, and their relatives, and members of their household. The \$50 gift limit applies separately to the employee, and to the employee's relatives ~~or members of household,~~ meaning that the employee ~~and each member of their household~~ and relative can accept up to \$50 each from the same source/gift giver.

1. "Gift" means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.
2. "Relative", ~~in the gift context, means: the spouse of the employee; any children of the employee or of the employee's spouse; siblings, spouses of siblings or parents of the employee or of the employee's spouse; any individual for whom the employee has a legal support obligation; or any individual for whom the employee provides benefits arising from the employee's public employment or from whom the employee receives benefits arising from that individual's employment.~~
 - a. The employee's spouse, including domestic partners, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;
 - b. The spouse of the employee's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.
3. ~~"Member of the household" means any person who resides with the employee.~~

III. Determining the Source of Gifts

Employees should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the District employee. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

IV. Determining Legislative and Administrative Interest

A legislative or administrative interest means an economic interest distinct from that of the general public, in any action subject to the official decision of an employee.

A decision means an act that commits the District to a particular course of action within the employee's scope of authority and that is connected to the source of the gift's economic interest. A decision is not a recommendation or work performed in an advisory capacity. If the employee is a decision maker, both the subordinate and supervisor's actions would be considered a "decision."

V. Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

"Fair market value" is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payer of the employee's admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payer reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the employee.
3. Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.
4. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

VI. Value of Unsolicited Tokens or Awards: Resale value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50.00), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

VII. Entertainment

Employees may not accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

VIII. Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees.

1. Gifts from “relatives” and ~~“members of the household”~~ are permitted in an unlimited amount; they are not considered gifts under the ethics rules.
2. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties.
3. Food, lodging, and travel generally count toward the \$50.00 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:
 - a. Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee’s official capacity, for certain limited purposes:
 - (1) Reasonable expenses (i.e. food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50.00 aggregate amount IF:
 - (a) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the District; AND

- i) The giver is a unit of a:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR
 - c) Non-profit corporation.

(b) The employee is representing the District:

- i) On an officially sanctioned trade-promotion or fact-finding mission; OR
- ii) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the Superintendent.

(2) The purpose of this exception is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.

- 4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the District.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.

- 5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(5)(b)(I)(I).
- 6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement.
- 7. A gift received by the Board member as part of the usual or customary practice of the Board member’s private business, employment or position as a volunteer that bears no relationship to the Board member’s holding of public office.
- 8. Reasonable expenses paid to employee for accompanying students on an educational trip.

IX. Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or ~~relative any member of the household~~ of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or the solicitation or receipt of an

honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the employee.

END OF POLICY

Legal Reference(s):

[ORS 244.010 to 244.400](#)

~~[ORS 260.005](#)~~

~~[ORS 294.311](#)~~

~~[ORS 294.336](#)~~

[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0005 to-199-020-0020](#)

[OAR 584-020-0040](#)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).