

Staff 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 members, and the County'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 County. For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines apply to all County 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 administrative employees, officers and agents.

1. No administrative employee, officer or employee 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. Administrative employees, officers or 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, private practice client, or parents of such students or clients in the course of their employment or professional relationship with the Board.

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 County through his/her access to School County 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; and
 - 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. No administrative employee, member of his/her immediate family, or business with which s/he is associated shall have or develop, directly or indirectly, a pecuniary interest in the proceeds, profits, or benefits of any contract with the County, or in providing goods or services to the County for compensation, if s/he has voice, influence, or control over the decision by the County to contract or acquire the goods or services. An administrative employee who has an interest in the profits or benefits of a contract is prohibited from making, participating in making, or in any way attempting to use his/her employment to influence a County decision affecting his/her financial interest.
 4. No administrative employee having any official action to perform in connection with bids, contracts, purchases, claims or other pecuniary transactions shall solicit, accept, or agree to accept any gift or gratuity from any person known by the employee to be interested in any such bid, contract, claim, purchase or transaction.

5. Every administrative employee is prohibited from using his/her position of employment for his/her own private gain or that of another person.
6. No administrative employee may solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the employee or his/her immediate family. Even then, an administrator is prohibited from soliciting a charitable gift from any County official or employee whose position is subordinate to the soliciting administrative employee.
7. No administrative employee may knowingly and improperly disclose any confidential information acquired in the course of his/her duties nor use such information to further his/her personal interests or the interests of another person.
8. No administrative employee may solicit private business from a subordinate employee whom s/he has the authority to direct, supervise or control, except when the solicitation is a) a general solicitation directed to the public at large through the mailing or other means of distribution of a letter, pamphlet, handbill, circular or other written or printed media; or b) limited to the posting of a notice in a communal work area; or c) for the sale of property of a kind that the person is not regularly engaged in selling; or d) made at the location of a private business owned or operated by the administrative employee to which the subordinate employee has come on his/her own initiative.

By way of illustration rather than limitation, this policy forbids:

- a. the provision to the County's students of any private lessons or services for a fee; provided, however, that tutorial services may be furnished to a student off of school premises by appropriate teaching personnel at a fee negotiated between the student, the student's parent or guardian, and the administrative employee, with prior approval of the Superintendent;
 - b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the administrative employee's employment or through his/her access to County 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 administrative employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.
9. An administrative employee may use frequent flyer bonus points earned while traveling on official County business only if his/her participation in the frequent flyer program results in no additional cost to the County.
 10. Administrative employees shall not make use of materials, equipment, or facilities of the County 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.

11. A full-time administrative employee is prohibited from personally participating in a decision, approval, disapproval, recommendation, rendering advice, investigation, inspection or other substantial exercise of administrative discretion involving a vendor with whom s/he is seeking employment or has an agreement concerning future employment.
12. A full-time administrative employee who exercises authority or control over a public contract between a vendor and the District, or whose subordinate exercises such authority or County control, is prohibited from seeking employment by the vendor or to purchase, sell, or lease real or personal property to or from the vendor. Nor shall s/he have an agreement with the vendor concerning future employment.

By way of illustration, an administrative employee or subordinate is considered to exercise authority or control over a public contract by any of the following acts: drafting bid specifications or requests for proposals; recommending selection of the vendor; conducting inspections or investigations; approving the method or manner of payment to the vendor; providing legal or technical guidance on the formation, implementation, or execution of the contract; or taking other non-ministerial action that may affect the financial interests of the vendor.

A person adversely affected by the restriction on purchasing personal property may make such a purchase only if the West Virginia Ethics Commission expressly approves, or if acting in good faith reliance upon a West Virginia Ethics Commission guideline, advisory opinion, or official policy.

- B. Exceptions to Part A of policy shall be approved by the Superintendent **before** entering into any private relationship.
- C. Employees, officers and agents cannot 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 conflict of interest would arise when the employee, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ 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.

Employees, officers, and agents cannot solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with or bidding on projects involving Federal grant funds. However, pursuant to Federal rules, the County has set standards for when an employee, officer or agent may accept the 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.

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

The County 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.

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

Reference: WV Code 61-10-15
WV Code 61-5A-6
WV Code 6B-2-5a
West Virginia State Board of Education Policy 8200
WV Code 6B-1-1 through 6B-3-11

Adopted: