

Staff Ethics/Conflict of Interest

NOTE: Colorado school districts that receive federal funds are required by federal law to have "written standards of conduct covering conflicts of interest" applicable to district employees and the selection, award and administration of federally funded contracts. Although state law does not require districts to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow under state law. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs

No district employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts 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 law and district policies and regulations.

It shall be understood that all confidential information an employee is privy to as a result of district employment shall be kept strictly confidential. 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.

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.

Moreover, to avoid a conflict of interest, the district prohibits an employee from exercising supervisory, appointment, dismissal authority, or disciplinary action over a member of the employee's immediate family. For purposes of this policy, an employee's "immediate family" means a person who is related by blood, marriage, civil union, or adoption. In addition, an employee may not audit, verify, receive or be entrusted with moneys received or handled by a member of the employee's immediate family. An employee shall not have access to the employer's confidential information concerning a member of the employee's immediate family, including payroll and personnel records.

NOTE: Federal law requires districts that receive federal funds to have "written standards of conduct covering conflicts of interest" applicable to district employees and the selection, award and administration of federally funded contracts. 2 C.F.R. 300.18(c). Thus, if the district receives federal funds, we recommend including the following section to meet this requirement.

Conflicts of interest - federally funded transactions

Separate from state law and the Board's policies concerning district employees' standards of conduct and conflict of interest, 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.

For purposes of this policy section only, "immediate family" means the employee's spouse, partner in a civil union, children and parents. In determining whether a financial or other interest is "substantial," or whether anything solicited or accepted for private benefit is of "nominal value," district employees shall follow the standards of conduct and corresponding definitions applicable to local government employees under state law.

These minimum federal requirements are not waivable in connection with any transaction or contract to which they apply.

An employee who violates the standards of conduct set forth in this policy's section may be subject to disciplinary action, in accordance with applicable law and Board policy.

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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. 2-4-401 (*definition of immediate family*)

Constitution of Colorado, Article X, Section 13 (*felony to make a profit on public funds*)

C.R.S. 14-15-101 *et seq.* (*Colorado Civil Union Act*)

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

C.R.S. 24-18-109 (*government rules of conduct*)

C.R.S. 24-18-110 (*voluntary disclosure*)

C.R.S. 24-18-201 (*standards of conduct - interests in contracts*)

C.R.S. 24-18-202 (*standards of conduct - interests in sales*)

C.R.S. 24-34-402 (1) (*discriminatory and unfair employment practices*)

C.R.S. 24-34-402 (1)(h) (*nepotism provisions*)

CROSS REFS.: DKC, Expense Authorization/Reimbursement (Mileage and Travel)
GBEB, Staff Conduct (And Responsibilities)
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