

Human Resources
Linda D. Littlefield
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Resources



Date: September 4, 2012

To: Stanwood-Camano Board of Directors

From: Linda Littlefield

RE: Policy No 5251: Conflicts of Interest

The attached Board of Director Policy 5251 Conflict of Interest is a policy that has been revised to provide increased guidance on activities that may constitute a conflict of interest.

This is your first reading of this policy. The proposed policy has been reviewed by legal counsel and represents recent changes in the law.

Recommendation: To approve the First Reading of Board Policy 5251, Conflicts of Interest.

CONFLICTS OF INTEREST

The purpose of this policy is to provide guidance on activities that may constitute a conflict of interest, but is not designed to be exhaustive. Regardless of whether a particular activity is specifically addressed within this policy, district employees including those on any form of paid or unpaid leave from a position of employment with the district shall inform their supervisors in writing of all reasonably foreseen potential or actual conflicts of interest.

A conflict of interest is any situation in which a district employee, either for himself/herself or some other person(s), promotes or attempts to promote a private or personal interest, which results or appears to result in the following:

- An interference with the objective exercise of his/her district duties; and/or
- A gain or an advantage by virtue of his/her position in the district.

~~Staff members~~ **Employees** shall not engage in nor have a direct financial interest in any activity which conflicts with his/her duties and responsibilities. Such activities where a conflict of interest may exist include, but are not limited to:

Providing or using individual student or staff directory information to promote sales of goods or services.

- A. Receiving economic benefit from selling or promoting the sale of goods or services to students or their parents where the knowledge of the ~~staff member's relationship~~ **employee's position** to the district is in any way utilized to influence the sale.
- B. Receiving economic benefit from the sale of instructional or training materials and/or equipment where the district has specifically engaged a staff member(s) to develop such materials or equipment. In such instances, the district shall retain a proprietary interest.
- C. ~~Using or providing for others a list of names and home addresses obtained from school records or school-related contacts for purposes of identifying potential client or customer contacts.~~
- D. Participating in any way in the selection process for materials, books or equipment when an item developed, ~~by or~~ authored, ~~or sold~~ by the ~~staff member~~ **employee, a relative of the employee**, or a member of the employee's ~~family~~ **household** is under consideration for approval for district use.
- E. Participating in the selection of a vendor of goods or services for the district or using district funds under the employee's management or control to purchase goods or services for the district where the vendor is an employee, a relative of the employee, or a member of the employee's household, or where the employee, the employee's relative, or the employee's household member has a financial interest in the vendor. Financial interest for purposes of this policy does not include an interest where (1) the employee, relative, or household member is an employee of the contracting party and the compensation of such employee consists entirely of fixed wages or salary, or (2) the employee, relative, or household member holds less than one percent of the shares of the corporation which is the contracting party. In cases where the vendor has a unique skill set or the vendor is a sole source supplier, the superintendent may approve use of the vendor.
- F. Being involved in the selection of an applicant for employment or in ~~the appointment, evaluation or supervision of~~ **appointing, evaluating or supervising** any other staff member who is a ~~family member~~ **relative or member of the employee's household**.
- G. Approving pay or other compensation for oneself, a relative, or a member of the employee's household.
- H. ~~Using the interschool mail to promote sales of a product in which a staff member has a financial interest.~~ Using district communication systems (e.g., telephone, interschool mail, voicemail, electronic mail) or facilities without a facilities use permit to promote the sales of goods or services.

- I. ~~Providing a staff or student directory for use in promoting sales of a product or service.~~
- J. Purchasing or otherwise acquiring surplus district property, where the staff member was involved in or had influence in the process of declaring the item(s) as surplus.
- K. Using district equipment for employee's personal business or personal use or removing district equipment from district property for personal use; provided however that the use of district facilities as part of a district-authorized program shall not constitute a conflict of interest.
- L. Except where allowed by contract, accepting an honorarium, payment or gratuity to render a service to a public or educational institution or a business during the employee's work day. Such honorarium, payment, or gratuity received shall be assigned to the district or may be approved for individual compensation based on additional work provided. It is recognized that some certificated staff may serve as College in the High School instructors and receive compensation for the additional time.
- M. Encouraging a student who is enrolled in one or more of the ~~teacher's~~ employee's classes or on the employee's caseload to take private lessons or receive ~~therapy~~ or tutoring for fee from the ~~staff member~~ employee, a relative of the employee, or a member of the employee's household.

Written permission from the superintendent or principal is necessary when:

- A. A certificated staff member wishes to tutor or give private lessons for a fee to any student who is enrolled in one or more of the teacher's classes;
- B. A certificated staff member such as communication disorder specialists, psychologists or specialized music teachers, wishes to give private instruction for a fee to any student who is concurrently being served by that individual in the regular school program.

Certificated or other staff may engage in tutoring, private instruction, ancillary services (counseling, physical therapy, testing, etc.) and/or other employment outside the established regular school day so long as this activity does not interfere with their contractual duties and responsibilities.

A certificated or other staff member shall not tutor students assigned to his/her class or caseload or provide ancillary services unless approved by the Superintendent or designee. The Superintendent or designee may grant permission for staff to provide ancillary services or tutor students assigned to their class or caseload under the following circumstances:

- A. The student is not enrolled in a core academic class with the certificated staff member;
- B. The tutoring or ancillary services are not provided and do not take place during the employee's contracted workday; and
- C. The tutoring or ancillary services are not provided in district facilities or with the use of district equipment unless a rental fee is paid.

Any deliberate act by an employee in the course of professional practice that requires or pressures district students and/or parents to purchase equipment, supplies, or services from the employee, another employee, a relative of the employee, or a member of the employee's household in a private remunerative capacity is found by the Board to be an act of unprofessional conduct that the district will report to the Office of Professional Practices. In addition, any violation of this policy by an employee may result in disciplinary action, up to and including termination of employment from the district.

No person shall be employed by the district who is the spouse, registered domestic partner, or dependent of any member of the Board of Directors or the Superintendent unless the employee was under contract with the district prior to the date in which the Director assumes office except as authorized in Board Policy 1610 – Conflicts of Interest.

