

Policy - 5223

Personnel

Conflicts of Interest

GENERAL CONFLICTS

Staff members 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:

1. 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 to the District is in any way utilized to influence the sale.
2. Receiving economic benefit from the sale of instructional and 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.
3. Encouraging a student who is enrolled in one or more of the teacher's classes to take private lessons or to engage tutoring for fee from the staff member.
4. 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.
5. Participating in any way in the selection process for materials, books or equipment when an item developed by or authored by the staff member or a member of his/her family is under consideration for approval for District use.
6. Being involved in the selection of an applicant or in the appointment, evaluation or supervision of any other staff member who is a family member.
7. Using the interschool mail to promote sales of a product in which a staff member has a financial interest.
8. 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.
9. Participating in any way in the selection or ordering of materials, books, or equipment when the purchase is to be made from an organization, business, company or individual in which the staff member or his/her family has a direct financial interest or when such purchase would provide an economic benefit to the

staff member or his or her family. Economic benefit includes such items as gifts, gratuities, and honorariums.

Written permission from the Superintendent or Principal is necessary when:

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

Note: breaks and vacation periods are included.

CONFLICTS IN BIDS AND CONTRACTS

DEFINITIONS

For the purposes of this policy the following definitions apply:

“Disaster” is an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, windstorm, wave action, volcanic activity, explosion, riot, or hostile military or paramilitary action and including acts of terrorism.

“Employee” includes any individual employed directly by the school district or employed on a consultative basis.

“Relative” is any person related to an employee by blood or marriage within the second degree.

GENERAL PROVISIONS

The board may accept and award district contracts in which an employee, or his or her spouse or relative, has a direct or indirect interest if:

1. Less than three (3) suppliers of a good or service exist within a fifteen (15) mile radius of where the good or service is to be provided and the contract is necessary to respond to a disaster; or
2. Less than three (3) suppliers of a good or service exist within a fifteen (15) mile radius of where the good or service is to be provided and the following procedures are strictly observed:
 - a. The contract is competitively bid and the employee, or his or her spouse or relative, submits the low bid;

b. Neither the employee nor his or her spouse or relative takes part in the preparation of the contract or bid specifications, and the employee takes no part in voting on or approving the contract or bid specification;

c. The employee makes full disclosure, in writing, to all members of the board of his or her interest, or the interest of his or her spouse or relative, and sets forth his or her intention, or the intention of his or her spouse or relative, to bid on the contract; and

d. Neither the employee nor his or her spouse or relative has violated any provisions of Idaho law pertaining to competitive bidding or improper solicitation of business.

No employee will accept any gifts, prizes, awards, or merchandise, or commission as a result of ordering any items with a vendor on behalf of the district. This prohibition does not include trivial benefits not to exceed a value of fifty dollars (\$50) incidental to personal, professional or business contacts and involves no substantial risk of undermining official impartiality.

An employee may accept an award of five hundred dollars (\$500) or less given to the employee by a nonprofit organization whose membership is limited to public servants as part of a public servant recognition program that is designed to recognize innovation and achievement in the workplace, provided that the organization awarding the funds discloses in advance on its website the nature of the program, the amount of the award, the names of any persons or entities that contributed to the award and the recipient of the award.

Policy History:

Adopted: January 2014

Amended: March 2017

Legal Reference:

Idaho Code Sections

18-1351, et seq. – Bribery and Corrupt Influence Act

46-1002 – State Disaster Preparedness Act - Definitions

74-401, et seq. – Ethics in Government Act