

SCHOOL EMPLOYEE CONFLICT OF INTERESTS

A. Purpose

The State and Local Government Conflict of Interests Act (the Act), applies to public school employees and officials. The Act creates uniform standards of conduct for all public employees and officials. The Act also defines and prohibits inappropriate conflicts of interest and requires disclosure of economic interests in some circumstances. The purpose of this policy is to provide an introduction to the Act for employees. Additional information regarding the Act may be obtained from Policy BBFA Conflict of Interests and Disclosure of Economic Interests and from the Virginia Conflict of Interest and Ethics Advisory Council (the Ethics Council) which assists with compliance with the Act.

B. Compliance

School board employees are required to read and be familiar with the Act. The superintendent provides employees with information regarding how to access the Act and how to contact the Ethics Council.

The Act's provisions are complex and their application is fact-specific. A violation of the Act could result in civil or criminal penalties. Therefore, if an employee has any question whether an interest the employee has in a contract or transaction involving the school division is prohibited under the Act, the employee should contact the superintendent's office or the Ethics Council for assistance.

C. Areas of Regulation

The Act prohibits school employees from having a "personal interest," as that term is defined by the Act, in certain contracts and transactions that involve the division and from engaging in other specified conduct related to the schools. The prohibited personal interest also may be that of the school employee's immediate family (a spouse or any other person who resides in the same household as the employee and who is a dependent of the employee).

Under the Act, an employee may be considered to have a prohibited conflict arising from:

- a personal interest in a contract;
- a personal interest in a transaction;
- business opportunities tied to official acts;
- misuse of confidential information; or
- receipt or solicitation of certain gifts.

Examples of prohibited conduct include:

- soliciting or accepting money or other thing of value for services performed within the scope of the employee's official duties, except for the employee's compensation, expenses or other remuneration paid by the division;
- using for the employee's own economic benefit or that of another party, confidential information that the employee has acquired by reason of the employee's public position and which is not available to the public;

- accepting any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence the employee in the performance of the employee's official duties;
- accepting any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in the performance of the employee's official duties;
- entering into contracts with the school division under certain circumstances;
- accepting a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor; and
- accepting gifts from sources on a basis so frequent as to raise an appearance of the use of the employee's position for private gain.

D. Advisory Opinions

Employees may seek written opinions regarding application of the Act from the local Commonwealth's Attorney, the local county attorney or the Ethics Council. Good faith reliance on a written opinion of the Commonwealth's Attorney or the Ethics Council bars prosecution for a knowing violation of the Act provided the opinion was made after a full disclosure of the facts. An opinion of the local county attorney may be introduced at trial as evidence that the employee did not knowingly violate the Act.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.4, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3119, 2.2-3120 and 2.2-3124.

<u>Cross Ref.:</u>	<u>BBFA</u>	<u>Conflict of Interests and Disclosure Requirements</u>
	<u>CBCA</u>	<u>Disclosure Statement Required of Superintendent</u>
	<u>DJG</u>	<u>Vendor Relations</u>
	<u>GCCB</u>	<u>Employment of Family Members</u>
	<u>GCQA</u>	<u>Non-school Employment by Staff Members</u>
	<u>KGA</u>	<u>Sales and Solicitations in Schools</u>
	<u>KJ</u>	<u>Advertising in the Schools</u>