Title: **Staff Ethics - Conflict of Interest**
Code: GBEA
Section: Section G: Personnel Policies

District staff members 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. District staff members are expected to exercise good judgment and demonstrate ethical conduct to ensure that conflicts of interest do not occur by engaging in activities that are incompatible with the duties and responsibilities of their District position. This includes entering into agreements on behalf of the District in which they have a conflicting personal interest. Questions relating to a potential conflict of interest should be directed to the District staff member's direct supervisor or an administrator in Human Resources.

All staff members shall avoid any action, which could result in, or create the appearance of, using their position in the District for inappropriate private gain or giving inappropriate preferential treatment to any person.

Hiring, Supervising, and Evaluating
All standard hiring procedures are to be followed when any candidate is recommended for hire including: documentation of hiring procedure; validation of reference checks; list of all persons involved in the selection process; and, a copy of all relevant records, transcripts, work experience and other qualifications. This evidence shall demonstrate that the hiring recommendation was based on the selection of the best-qualified candidate available to fill this position.

A District staff member shall not participate in the selection, hire recommendation, offers of employment, direct supervision, or direct evaluation of any candidate or staff member who is a member of their immediate family. As used in this policy, the term "immediate family" means a person who is related by blood, marriage, civil union, or adoption.

"Direct" supervision or evaluation is defined as an immediate supervisor or evaluator. "Indirect" supervision is defined as supervision through one or more intermediate supervisors and does not involve responsibility for the evaluation of the staff member. Indirect supervision may be permitted as long as family ties do not adversely alter the performance of professional duties. An individual with direct or indirect supervision responsibilities shall not have written evaluation sign-off responsibilities for an immediate family member.

In addition, a staff member may not audit, verify, receive, or be entrusted with moneys received or handled by a member of the staff member's immediate family. A staff member shall not access the District's confidential information concerning a member of the staff member's immediate family, including payroll and personnel records, without the permission of the Assistant Superintendent of Human Resources.

Pecuniary Benefit
A staff member shall not engage in or have a financial interest in, directly or indirectly, any activity that conflicts with or raises reasonable question of conflict with duties and responsibilities in the District. Staff tutoring or giving private lessons for pay to students whom the staff member evaluates and to whom the staff member assigns a grade is normally considered a conflict of interest. However, there may be exceptions, which shall require written authorization from the Superintendent or designee**.**

Gifts
A staff member shall not use their position with the District for personal gain, nor for the gain of friends or relatives.

All staff members are prohibited from accepting gifts of other than minimal value ($50 or less) from individuals, companies, or organizations conducting business or seeking to conduct business with the District. A staff member shall not accept a gift if the acceptance of the gift may unduly influence or affect the staff member in the performance of their duties. The acceptance of minor items, which are generally distributed by the company or organization through its public relations program, is appropriate for staff members to receive. Discounts offered to all staff members through the District's approved programs are appropriate.

District Materials
Material purchased with District funds shall not be transferred from one District site to another without written authorization from the Superintendent or designee.

Solicitations
External community or business organizations shall not distribute flyers or other materials related to their sales programs. Fund drives conducted internally through the District shall be approved by the Superintendent or designee. Vendor information shall not be placed in staff mailboxes. Vendor information shall be placed on staff lounge bulletin boards only with site supervisor approval.

Personal Business or Business for Another Entity
District staff members shall not transact business affairs on District property without specific written prior approval of the Superintendent or designee. District staff members shall not engage in personal business affairs or complete personal business or work for another entity during their scheduled workday, nor shall they use District resources or equipment.

It is permissible for a staff member to make information available related to his/her business only in an officially designated location within the staff area/lounge. Site supervisors will approve such information to be posted or made available. This courtesy does not extend to family members or friends of staff. Staff members are not to use District email addresses or District mailboxes to distribute advertisement of personal business or to engage in personal business or work for another entity.

District staff members shall not initiate distribution of personal business information or information for another entity to parents by way of students or through the use of information obtained through District records. District staff members 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 staff member unless prior approval has been obtained from the Superintendent or designee.

District staff members shall not distribute personal business information or information for another entity to other staff members through the use of information obtained through the District Staff Directory.

Confidential Information
It shall be understood that all confidential information that a staff member or volunteer is privy to as a result of their relationship with the District shall be kept strictly confidential. In addition, staff members 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.

Sale of Goods or Services by District Staff to the District
A staff member or family of a staff member shall not sell any materials or services to the District without written authorization from the Superintendent, per Appendix GBEA-E (Conflict of Interest Waiver).

Staff that are hired to provide training in-district through the District Professional Learning Office shall complete a performance contract and are not required to seek written authorization from the Superintendent.

Conflicts of Interest - Federally Funded Transactions
Separate from state law and the District's policies concerning District staff member's standards of conduct and conflict of interest, federal law imposes restrictions on the conduct of District staff members whenever the transaction in question is supported by federal funds subject to the Uniform Grant Guidance (UGG).

Under the UGG, a District staff member shall not participate in the selection, award or administration of a contract supported by a federal award if the staff member has a conflict of interest as defined by the UGG.

A conflict of interest arises under the UGG when the staff member, 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 staff members 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 staff member'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 staff members 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.

A staff member 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 District policy.

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July 1, 2018
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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)
20 U.S.C. § 1681 (prohibition against discrimination)
Colorado Constitution, art. X, § 13 (felony for making profit out of school district money for purpose not authorized by law)
C.R.S. § 2-4-401(3.7) (definition of immediate family)
C.R.S. § 14-15-101 et seq. (Colorado Civil Union Act)
C.R.S. § 18-8-308 (failing to disclose conflict of interest)
C.R.S. § 22-32-110(1)(k) (to adopt nondiscrimination policies for employment)
C.R.S. § 22-63-204 (interest prohibited)
C.R.S. §§ 24-18-101 et seq. (public trust – breach of fiduciary duty)
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 or unfair employment practice)
C.R.S. § 24-34-402(1)(h) (nepotism provisions)
C.R.S. § 24-72-201 (Colorado Open Records Act)

Cross Refs:
DKC, Expense Authorization/Reimbursement (Mileage and Travel)
GBEB, Staff Conduct and Responsibilities
GCE/GCF, Professional Staff Recruiting/Hiring
GDE/GDF, Support Staff Recruiting/Hiring

EL 2.0 Global Executive Constraint
EL 2.3 Treatment of Staff
EL 2.7 Employment, Compensation and Benefits

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