



Section: *Professional*
Title: *Conflicts of Interest*
Adopted: *June 13, 2005*
Revised: *June 17, 2010*

418 - Conflicts of Interest

1. PURPOSE

- A. *School board members, officers, administrators, teachers, staff and employees (collectively, "District Employees") of the Colonial School District (the "District") have a duty of loyalty to the District and to the public whose interest the District serves. The purpose of this Conflict of Interest Policy, which provides guidance and a general standards of conduct with respect to actual or apparent conflicts, is in accordance with the Pennsylvania Public Official and Employee Ethics Act, the Pennsylvania School Code and the general principle that the public has the right to be assured that the financial interests of public officials and other public servants do not conflict with the public trust, and the principle that public officials and employees cannot enter into situations where their personal interests may conflict with their official public duties.*
- B. *Actual or apparent conflicts of interest undermine the public confidence in the integrity of the District and District Employees and should be scrupulously avoided.*

2. STANDARDS OF CONDUCT -- NO DISTRICT EMPLOYEE SHALL:

- A. *Conflict of Interest. Engage in conduct that constitutes a "Conflict of Interest," which shall be defined as "use by a District Employee of the authority of his office or employment of any confidential information received through his office or employment for the private pecuniary benefit of himself, a member of his immediate family, or a business with which District Employee or a member of his immediate family is associated." "Immediate family" shall be defined as "parent, spouse, child, brother or sister."*
- B. *Conflict Business or Profession. Engage, or have any interest, financial or otherwise, directly or indirectly, in any business, transaction or professional activity, which conflicts with or impairs the proper discharge of official duties or which could bring disfavor or disrespect upon the School District.*

- C. False Records. Create, record, or otherwise include in the books and records of the District, any false information regarding financial, personnel or any other matter whatsoever.
- D. Honorarium. Accept any honorarium, payment or other compensation, whether in the form of cash or property, which represents compensation in recognition of published works, appearances, speeches, or presentations and which is not intended as consideration of the value of such services which are non-public, occupational or professional in nature. However, a District Employee may accept token or de minimus awards presented to such District Employee for any reason whatsoever.
- E. Contracts. Personally, or as an interested member of a business or other entity, enter into any contract valued at \$500 or more with the District or Student Activity Fund, unless such contract is awarded through an open and public process. A District Employee shall report the nature of his or her interest, or the interest of his or her immediate family, in a potential District contract to his or her superior and the Internal Controller, and such District Employee shall not participate, vote, or otherwise influence any decisions regarding the contract.
- F. Substituted Responsibility. The responsibilities of a District Employee who is excused from administration of a contract by reason of a conflict of interest shall be assigned to such District Employee's supervisor, who may personally assume or delegate such responsibilities.
- G. Advertising, Marketing and Promotions. Advertise, market or otherwise promote, directly to the District or to any third party, the business or professional activities of any entity in which District Employee or his immediate family have a personal or pecuniary interest on District property.
- H. Use of District Resources for Lawful Purposes. Use District work hours, property, assets, services or any other District resource (collectively, "District Resources") to perform or conduct personal or commercial enterprises, or to campaign or raise money for any candidates for political office. A director's incidental use of School District property or services during the course of his duties is not included in this prohibition.
- I. Use of District Resources for Unlawful Purposes. Use District Resources for any unlawful or improper purpose.
- J. Confidential Information. Use confidential information, as defined by the Sunshine Act 1 or the Board of Education, concerning property, personnel matters, or affairs of the School District or its employees to advance the financial or other private interests of the District Employee or his immediate family.
- K. Accepting Bribes. Accept anything of value including, but not limited to, a gift, loan, political contribution, reward, promise of future employment, favor, gratuity, entertainment, transportation, lodging or any other pecuniary benefit whatsoever as consideration for express or implied understanding to influence the decision, opinion, recommendation, vote or other exercise of discretion of the District Employee, or as

consideration for the District Employee's promise to wrongly influence such District Employee's conduct in relation to the affairs of the District, his peers or colleagues.

- L. Soliciting Bribes. Solicit, accept or agree to accept, directly or indirectly, from other District Employees, students or their parents, any benefit from another person upon agreement that such benefit will influence such District Employee's conduct in relation to the affairs of the District, his peer or colleagues.*
- M. Purchasing District Property. Purchase property of any kind from the District, either directly or indirectly, except in a manner approved by the Board of Education for the particular sale involved, unless 1) there is an open and public process, 2) the District Employee did not act in his capacity as a District employee in connection with the sale, and 3) the District Employee was not privy to nonpublic information received in the course of his office or employment related to the purchase and sale of District Property.*
- N. Textbooks and Publications. Participate in the review and approval of publications or materials for District purchase if the District Employee has any financial or other pecuniary interest in the sale, distribution or dissemination of such publications or materials.*
- O. Tutoring and Counseling. Tutor or counsel as a private enterprise, for compensation, students assigned to any class of the District to which the District Employee is assigned unless a Conflict of Interest Waiver* signed by the teacher, the parent and the principal of the respective building in which the conflict exists. District Employees may tutor or counsel pupils enrolled in other schools unless such private enterprise conflicts with or impairs the proper discharge of official duties for or on behalf of the District.*
- P. Referrals. Refer a District parent or student to a service, service provider or product in return for anything of value from any party. Officers or employees making referrals as part of their official duties shall make referrals to at least one provider of any non-unique service or product. For example, school counselors shall refer parents or students to more than one counselor or provider of medical services where comparably qualified persons are available.*

3. STATEMENT OF FINANCIAL INTEREST

- A. In accordance with Pennsylvania's Public Official and Employee Ethics Act, the School District requires each Board Member and employee at the level of director and above to file a Statement of Financial Interest with the office of Human Resources by May 1 of each year for the immediate prior year. All Statements of Financial Interest are reviewed by the Internal Controller.*
- B. The Executive Director of Human Resources may require any employee whose duties require the exercise of discretion or judgment to file a Statement of Financial Interest.*

** See policy #116 for Conflict of Interest Waiver and Tutorial Services Form.*

4. CONFLICT OF INTEREST RESOLUTION

- A. *In the event that a question of conflict of interest or the appearance of conflict of interest arises, a District Employee shall apprise his/her superior and the Internal Controller who will investigate and report the fact of the inquiry and results of his investigation to the Superintendent for resolution.*
- B. *All violations of the foregoing policy are subject to appropriate censure or disciplinary action, including termination of employment and any penalties as prescribed by law.*

5. POLICY ENFORCEMENT.

It shall be the responsibility and duty of every District Employee to disclose, to their immediate supervisor, any personal conflicts of interest and conflicts of other District Employees. In the event the conflict relates to the District Employee's immediate supervisor, the District Employee shall report the conflict to the supervisor's superior. In the event the conflict relates to the Superintendent, such conflict shall be reported to the Board of School Directors.

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