

Employee Ethics and Conflicts of Interest

Employee Ethics

District employees are allowed financial benefits as identified in Oregon Revised Statute (ORS) 244.040(2), such as their official compensation package, reimbursed expenses, limited honoraria and unsolicited awards for professional achievement. District employees are prohibited from using or attempting to use his/her district position to obtain a financial gain or to avoid a financial detriment for the district employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the opportunity for financial gain or avoidance of a financial detriment would not otherwise be available but for the employee's position with the district. Specifically, this means that:

1. Employees will not use district equipment for personal use, unless it is available to a significant segment of the general public. This includes, but is not limited to, the personal use of the district's:
 - a. Fax machine¹;
 - b. Phones to make long distance personal calls;
 - c. District vehicles;
 - d. Professional technology equipment (e.g., wood shop, automotive shop, CAD); and
 - e. Athletic facilities (e.g., pool or weight room).

Further, the district's supplies, facilities, equipment, employees, records or any other public resources are not to be used to engage in private business interests. For example, the district's computer cannot be used to sell products on an auction website during school hours.

2. When employees are traveling on official district business, any gift given because of this travel must be either declined or passed on to the district for use for future district travel. For example, if the hotel where the employee is staying gives the employee a free night's stay on a future visit, this must be declined or given back to the district for future district travel. The frequent flyer miles earned when traveling on official district business can only be used for district travel. If the employee's spouse is traveling with the employee, the employee is responsible for all additional charges (i.e., additional room charge).
3. Employees may not use personal credit cards for district travel or other district business and receive incentives such as cash reimbursements, frequent flyer miles and other benefits based upon the dollar amount of purchases made.

¹The district could establish a fee schedule that would allow only district employees to pay for the personal use of the district fax machines. If the district established a fee schedule for the use of fax machines the fee schedule must be equal to or exceed the prevailing rates offered at commercial businesses.

4. Employees may not use discounts offered by private companies for the employee's personal benefit if the discount is only offered because of the employee's official position. For example, an office supplies store provides all teachers a 10 percent discount. Because the teachers are receiving this discount only because of their official position, a teacher cannot use the discount to purchase personal items. The teachers may use the discount to purchase items for district use. Employees can also accept the discount if it is also available to a substantial segment of the population who are not public officials.
5. Employees may accept free passes to district extracurricular events if they are attending these events in their official capacity (i.e., chaperoning, ticket sales or managing concession sales). In order to promote employee participation in extracurricular activities, the district may include free passes in employees' official compensation packages or employees may be reimbursed by the district for the cost of admission.
6. The employee's district position is not to be used to take official action that could have a financial impact on a private business with which you, a relative or member of your household are associated. For example, if your brother owns a pest-control business which is seeking a contract with the district, you must declare an actual conflict of interest in writing, describing the nature of your conflict, and provide this to your supervisor.
7. Confidential information gained as a district employee is not to be used to obtain a financial benefit for the employee, a relative or member of the employee's household or a business with which any are associated. For example, you should not use the information that a student in your class is falling behind in math to provide the parents a referral to your sister's tutoring business.
8. District employees who mentor student teachers may not receive direct payments from sponsoring colleges or universities. The payment may be provided by the college or university to the district, which can then distribute the compensation to the teachers as an element of their official compensation package.
9. District employees must follow Oregon Government Ethics Commission guidelines for outside employment if the employee acts as a chaperone for student group trips on personal time and the district employee accepts compensation in the form of travel expenses from a private business or organization. Specifically, district employees must conduct all activities related to the trip on personal time and cannot use the classroom or school environment to plan the off-campus trip. Employees may use district facilities for this purpose only if they comply with the district's public use of facilities policy. It is not an ethics violation to accept reasonable expenses for accompanying students on an education trip.

These restrictions do not apply if the teacher is chaperoning students on a fact-finding mission that is officially sanctioned by the Board. The definition of a fact-finding mission is, in part, any activity related to a cultural or educational purpose. *See* Oregon Administrative Rule (OAR) 199-005-0020(43)(a). The district employee must be directly and immediately associated with the event or location being visited. If a district employee only acts as a chaperone and does not provide instruction or guidance for the students in language usage or cultural events, the trip may not meet the requirements of ORS 244.020(6)(H)(i). Further, the employee can only accept the

reimbursement of reasonable travel expenses from the private company, not any further compensation.

These restrictions do not apply if the district compensates the district employee for chaperoning the trip.

Code of Professional Conduct and Annual Notices for Education Practitioners

All district employees, and substitutes are expected to be familiar with and comply with the district's Code of Professional Conduct and Annual Notice for Education Practitioners.

Definition of Conflict of Interest:

ORS 224.020 Definitions. As used in this chapter, unless the context requires otherwise: (1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (14) of this section.

(13) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged. The commission may by rule limit the minimum size of or otherwise establish criteria for or identify the smaller classed that qualify under this exception.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

District employees shall comply with Board policy GBC - Staff Ethics and they shall not engage in, or have an interest in, any activity that raises a reasonable question of conflict of interest as defined in state law above, or in any activity that would compromise the employee's ability to fulfill his or her obligations to the district, its students, and its community.

In addition to the prohibitions set forth in Board policy GBC - Staff Ethics, prohibited activity includes, among other activities:

1. Employees shall not solicit money or goods for personal gains from students, parents or staff.
2. Employees shall not develop any device, publication, or any other item during the employee's paid time unrelated to the employee's duties. Any device, publication, or other item developed during the employee's paid time shall be district property.

3. Employees shall not obtain personal gain through the use of confidential information gained in the course of or because of employment.
4. Employees shall not perform any duties related to an outside job during an employee's working hours.
5. Employees shall not use any district facilities, equipment, or materials in performance of outside work except that an employee may utilize the district process for obtaining a public use of building.

Employment of Family Members

The district will not discriminate against an individual solely because another member of the individual's family works for or has worked for the district.

It shall be the general practice of the district not to employ a member of an employee's family in any position where one family member would have supervisory, appointment, or grievance adjustment authority over another. The district reserves the right to make legal exceptions to this employment practice for reasons, in its sole discretion, it considers to be appropriate. Such exceptions, along with supporting reasons, must be requested in writing and shall be subject to the approval of the chief human resources officer.

An exception to this general practice may also be granted for high school interscholastic athletic programs. Due to the limited number of qualified applicants for many coaching positions, the most qualified applicant may be a member of the immediate family of an employee who has supervisory, appointment or grievance adjustment authority of that applicant.

To ensure equal access to all candidates for open positions, the following procedures will be followed. All coaching position openings, including, but not limited to head and assistant coaching positions, will be posted among the district job employment opportunities as well as the Metro League and Oregon Athletic Coaches' Association websites. All applicants will be assessed on their professional backgrounds, expertise, references, and interviews. The district's equal opportunity for employment policy will be exercised at all stages of the hiring process. If a family member is considered for a position, district personnel who are family members will be excused from the hiring process.

District personnel may not supervise immediate family members. Each school site will develop a structure and process for supervision in the event that one family member would have supervisory, appointment or grievance adjustment authority over another.

"Member of an employee's family" means the wife, husband, domestic partner, son, daughter, mother, father, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual.

Gifts to Employees

Gifts to employees from parents or students are generally discouraged. It is recommended letters or notes be provided to employees to express appreciation instead of gifts. (Alcohol, cash or other similar items shall not be accepted by employees.)

The principal of each building shall disseminate this information to their students and employees.

Curriculum and Materials Adoptions

Any district employee who provides oversight for or participates on a curriculum or curriculum materials adoption committee shall be required to sign a statement attesting to their knowledge and familiarity with Board policy GBC - Staff Ethics and this administrative regulation and that his or her participation on the committee does not pose a conflict of interest.



Dear Project Team Member,

It is important that we share the following terms of service with you before you commit to serve on the Project Team for the Mathematics Adoption. This Project Team is charged by the School Board to review and select Mathematics curriculum materials to be implemented in September 2009 in all Beaverton schools. This Project Team is also charged by the School Board to represent the larger Beaverton public community and give input to the staff of BSD to make the final decision to purchase the most appropriate curriculum materials.

Board policy and Oregon law provide that no Project Team member will use or attempt to use his or her position on the Project Team to obtain financial gain for or the avoidance of financial detriment by the team member, their relatives, or any business with which the team member or relative is associated. No Project Team member will solicit or receive directly or indirectly any gift or gifts with an aggregate value in excess of \$100 from any source that could be known to have an interest in the outcome of the Project Team's charge.

If you, or your immediate family members, are affiliated with any curriculum publishers, trainers, consultants, authors or contributors as a consultant, trainer, author, contributor, or in some other manner, you are not eligible to serve on this Project Team. The selection of curriculum materials must be based on well-researched and carefully developed criteria.

Potential conflicts of interest could lead to unfair selection, which might jeopardize the successful education of BSD students.

I am not now, nor have I been in the past, affiliated with any curriculum publishers.

Date: _____

Signature of Project Team Member