

Board Policy

Code No. 401.2

EMPLOYEE CONFLICT OF INTEREST

District employees are expected to avoid engaging in conduct that creates, or gives the appearance of creating, a conflict of interest with their District job responsibilities. It is the responsibility of each employee to be aware of and take the necessary action to eliminate a potential conflict of interest should it arise.

While there may be other conflicts of interests, employees must follow Board regulation in the following areas:

Financial Interests

Employees' use of their position with the school district for financial gain shall be considered a conflict of interest with their position as employees and may subject employees to disciplinary action. An employee will not engage or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school District unless the interest is fully disclosed and approved by the Board.

1. Contracts with the Board

An employee shall not do any of the following:

- a. act as an agent or dealer for the sale of textbooks or other school supplies doing business with the school district;
- b. obtain a direct benefit from a contract that he/she is involved in making or administering on behalf of the Board;
- c. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the Board; or
- d. solicit or receive any gift, reward, or promise for recommending, influencing, or attempting to influence the award of a contract.

An employee is involved in administering a contract if he/she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. An employee is involved in making a contract if he/she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract. An employee derives a direct benefit from a contract if the employee or his/her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. Exceptions to this policy can be considered if it is a sole source exception and must be approved by the Board.

When procurement is supported by Federal Child Nutrition funds, employees will not participate in the selection, award, or administration of a contract if there is a real or apparent conflict of interest in the contract. Contract, for purposes of this paragraph, includes a contract where the employee, employee's immediate family, partner, or a non-school district employer of these individuals is a party to the contract.

2. Non-District Employment

The Board recognizes that some employees may, in their own time, pursue additional employment. Any such employee will not engage in the following:

- a. non-District employment which adversely affects the employee's availability or effectiveness in fulfilling District job responsibilities;
- b. work of any type where the sources of information concerning customer, client or employer originates from any information obtained because of the employee's position in the District;
- c. outside employment or activity involving the receipt of, promise of, or acceptance of more or other consideration by the employee or a member of the employee's immediate family from anyone other than the school district for the performance of any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours during which the employee performs service or work for the school district;
- d. work of any type that materially and negatively affects the educational program of the school system, unless prior approval is provided by the superintendent;
- e. any type of outside activity where an employee's position on staff is used to sell goods or services to students or parents;
- f. any type of private business using District facilities, equipment or materials, unless prior approval is provided by the superintendent and arrangements are made for payment of building use fees;
- g. any type of private business using the District's badge, uniform, business card, or other evidences of office to give the employee or employee's immediate family an advantage or pecuniary benefit unavailable to other similarly situated members of the general public, or
- h. any type of private business during school time or on school property.

The superintendent may grant prior approval for work performed under subsections f, g, and h above if such work enhances the employee's professional ability or professional growth for school-related work. The superintendent may establish reporting procedures to require employees to notify the school District of any non-school employment.

3. Professional Personnel Consulting

The Board authorizes the superintendent to review requests by professional personnel to engage in consulting activities and it is within the superintendent's discretion to approve such requests. Such activities must not infringe upon the contractual obligations of school employees or affect the educational programs of the District.

4. Other Employees or Students

Employees have access to information and a captive audience that could award the employee personal or financial gain. No employee may solicit other employees or students for personal or financial gain to the employee without the approval of the Superintendent. If the approval of the Superintendent is given, the employee must conduct the solicitations within the conditions set by the Superintendent. Further, the Superintendent may, upon five days' notice, require the employee to cease such solicitations as a condition of continued employment.

Annual Reporting

Prior to the start of the school year or as conditions change, employees will report to the superintendent any potential conflict of interest and/or any financial interest as noted above. A standard form will be created for reporting.

Legal Reference: 7 C.F.R. 3016.36(3)
Iowa Code §§ 20.7; 68B; 279.8; 301.28 (2013).

Cross Reference: 203 Board of Directors' Conflict of Interest
402.4 Gifts to Employees
402.6 Employee Outside Employment
404 Employee Conduct and Appearance

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