

### PROPOSED REVISIONS – District accepts this policy

~~These provisions~~**This policy** shall govern ~~these~~ employee conflict of interest situations not already prohibited by Board policies ~~policy~~ **DBD(LEGAL), CBB(LEGAL), the legal provisions cited therein state law, the Code of Ethics and Standard Practices for Texas Educators or the Educators' Code of Ethics** at DH(EXHIBIT), ~~or other legal provisions.~~

A District employee shall not directly or indirectly use coercive means, promise special treatment, or capitalize upon his or her position in order to influence professional decisions, purchases, adoptions, or colleagues. It is a violation of ethics for any employee to use his or her position with the District to seek personal or professional advantage. [See DH(EXHIBIT)]

The District has an obligation to eliminate or restrict all transactions that would indicate an apparent conflict of interest involving the District and any employee. Therefore, the District shall not enter into any business transactions or negotiations for services or for the purchase of any product with any of its employees, whether the employee is acting as an agent for any vendor or for his or her own interest in any separate business, except as expressly permitted by this policy.

#### DEFINITIONS

~~For~~ **The following definitions shall apply for** purposes of this policy, ~~the following definitions are provided.~~

#### CONFLICT OF INTEREST

A conflict of interest is a situation in which the personal interests of a contractor or District employee are, or appear to be, at odds with the best interests of the District.

A conflict of interest arises when a District employee holds an interest in, is an employee of, and/or consultant with, another business if that business is a supplier of products or professional service to the District, employees, or students. Under certain circumstances, however, such conflict may be waived after full disclosure, as discussed further below.

#### BUSINESS OWNERSHIP

Business ownership shall be defined as any percentage interest of ownership in a business by an employee or his or her immediate family.

#### IMMEDIATE FAMILY

For the purpose of this policy, "immediate family" shall include persons related to an employee in the first degree by consanguinity (blood) and affinity (marriage). Relationships by consanguinity include an employee's parents and children; relationships by affinity include an employee's spouse and the spouse's parents and children.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LOCAL)

DISCLAIMER	A disclaimer is a statement to the effect that an employee (or his or her immediate family) has no business interest in any entity conducting or planning to conduct business with the District.
DISCLOSURE STATEMENT	A disclosure is a statement that makes known and explains an employee's (or his or her immediate family's) business interest (ownership or employment) in an entity conducting or planning to conduct business with the District.
DISCLOSURE-GENERAL STANDARD	An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.
SPECIFIC DISCLOSURES SUBSTANTIAL INTEREST	<p>The Superintendent shall file an affidavit with the Board President disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the Superintendent or any of his or her relatives in the first degree may have.</p> <p><u>Any other employee who is in a position to <del>effect</del> affect a financial decision involving any business entity or real property in which the employee has a substantial interest, as defined by Local Government Code, 171.002, shall file an affidavit with the Superintendent; however, the employee shall not be required to file an affidavit for the substantial interest of a relative.</u></p>
INTEREST IN PROPERTY	The Superintendent shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.
AFFIDAVIT / DISCLOSURE OF OWNERSHIP OR EMPLOYMENT	<p><b>District employees shall comply with the following guidelines in accordance</b> <del>The following steps shall be followed by District staff in complying</del> with the District's conflict of interest policy:</p> <ol style="list-style-type: none"><li><del>Personnel</del> <b>District employees</b> with primary purchasing responsibilities (employees with budget authority) shall file an affidavit with the District's director for purchasing. <b>The director for purchasing shall file an affidavit with the chief financial officer. <del>for business services.</del></b></li><li>The director for purchasing shall submit a statement to the <del>chief business officer</del> <b>chief financial officer for business services</b> that discloses a potential conflict of interest from <del>personnel</del> <b>District employees</b> with primary purchasing responsibilities.</li><li>The aforementioned statement (that includes a listing of affidavits for employees with primary purchasing responsibilities) shall be <b>approved</b> by the Superintendent and submitted for <b>approval</b> by the Board at the beginning of the fiscal year.</li></ol>

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LOCAL)

Any additions to that document shall also be submitted for Board approval.

4. Purchasing transactions shall be reviewed periodically (at least annually) under the direction of the Superintendent to ensure that conflicts of interest do not exist.

REQUIREMENTS AND  
RESTRICTIONS

The District shall make no purchase, either directly or indirectly, of labor, services, supplies, materials, equipment, or real estate from a District employee or from a business owned by a District employee or his or her immediate family.

EXCEPTIONS

If labor, services, supplies, materials, equipment, or real estate cannot be acquired from other sources or the price from other sources is greater than that of the business owned by an employee or his or her immediate family, then purchases may be made from this business after full disclosure and Board **approval** of said disclosure(s). Evidence must show that such labor, services, supplies, materials, equipment, or real estate are needed. Exceptions shall be made for businesses owned by employees when such employees have qualified and are chosen as certified vendors through an established cooperative purchase program approved by the Board.

~~An employee without primary purchasing responsibilities shall file an affidavit [see DBD (EXHIBIT)] with the director for purchasing stating the nature of the business. The District shall not purchase from a business unless that an affidavit is on file in the purchasing department. A list of all affidavits shall be approved by the Superintendent and submitted for approval by the Board at the beginning of the fiscal year. Any additions to that list shall be submitted for Board approval.~~

~~No employee of the District shall engage in any activity, commercial or otherwise, that would compromise the employee's ability to perform his or her duties and responsibilities. More specifically, no employee of the District shall:~~

- ~~1. Solicit or accept any gift, favor, or service that might reasonably tend to influence him or her in the discharge of official duties or that the employee knows or should know is being offered with the intent to influence his or her official conduct.~~
- ~~2. Accept any employment or engage in any business, professional, or social activity that could reasonably be expected to require or induce the employee to disclose confidential information acquired by reason of his or her official position.~~

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LOCAL)

~~3. Accept other employment or compensation that could reasonably be expected to impair the employee's independence of judgment in the performance of official duties.~~

~~4. Make personal investments that could reasonably be expected to create a conflict between the employee's private interest and the public interest.~~

~~5. Intentionally or knowingly solicit, accept, or agree to accept, any benefit for having exercised official powers or performed official duties in favor of or against another.~~

ENDORSEMENTS

Employees shall not recommend, endorse, or require students to purchase any product, material, or service in which they have a financial interest or that is sold by a company that employs the District employee during nonschool hours. Professional employees shall not recommend or require students to purchase a specific brand of school supplies if there are other brands that are equal and suitable for the intended instructional purpose.

SALES

Employees shall not use their positions with the District to gain entrance to a home within the District or to obtain an audience with any District resident for the purpose of attempting to sell products or services.

TEXTBOOKS

In the event any textbook recommended by the local textbook adoption committee is written, endorsed, or sponsored (in whole or in part) by any current or former employee of the District, an ad hoc committee composed of the Superintendent, the executive director for kindergarten–grade 12 curriculum, and a facilitator in the applicable field selected by the Superintendent shall review the recommended selection and shall advise the Board regarding the selection.

GIFTS

District employees and their immediate families shall not accept any gift, favor, loan, or service that could influence the employee in the discharge of official duties.

District employees and their immediate families may accept the items listed below from those soliciting business relationships with the District or those already doing business with the District, providing acceptance is in keeping with good ethics and does not place the recipient under obligations to the giver:

1. Unsolicited gifts that are appropriate for ceremonial occasions or official events with a nominal intrinsic value of less than \$50.
2. Unsolicited occasional business meals of nominal intrinsic value accepted as a guest.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LOCAL)

3. Unsolicited infrequent entertainment or social invitations of nominal intrinsic value accepted as a guest.
4. Unsolicited advertising novelty or merchandise gifts of nominal intrinsic value (\$25 or less).

Under no circumstances may a District employee or immediate family member accept cash or a negotiable instrument (e.g., check, draft, note, money order, and the like) in any amount. An employee shall obtain the Superintendent's prior approval before taking any vendor-related business trip as a guest and before accepting any trips in which a vendor is paying all or a portion of the expenses (food, lodging, transportation, or entertainment). The Superintendent shall obtain prior approval from the Board before accepting similar trips for himself or herself.

NONDISTRICT  
EMPLOYMENT

An employee shall not engage in any outside business or employment that may interfere with the employee's assigned duties or regularly assigned hours of work.

Coaching or tutoring of students for pay is permitted off campus provided the student is not coached or tutored in a subject by a certified employee who is, at the time, teaching the student the subject. As an exception to the above rule, fine arts teachers may provide private lessons for pay to their own students as long as it is not done on school property. The District's tutorial program is exempt from the above.

~~PUBLIC OFFICE~~

~~An employee who is appointed or elected to public office will not be compensated by the District for the time that the employee must devote to the appointed or elected public office. The Superintendent, on a case by case basis, has the initial responsibility of determining whether the employee's other obligations are so great that they are incompatible with continuing to be a full-time District employee. If the Superintendent determines that the other obligations are incompatible, then such an employee will be required to take a leave of absence without pay for the term of office to which the employee is appointed or elected. The Superintendent's decision is appealable to the Board through the District's employee complaints and grievance process. [See DCBA]~~

~~No employee may be employed as an election judge or clerk during his or her hours on duty. No employee may serve as an election official for a school bond election or Board election.~~

CONSULTANT  
SERVICE

The following shall apply:

1. All requests to serve as a consultant for another educational institution must be submitted by the requesting institution to the Superintendent. Such applications must be submitted far

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CONFLICT OF INTEREST

DBD  
(LOCAL)

enough in advance so that arrangements can be made for the absence.

2. An employee may be allowed to serve as a consultant a maximum of five duty days in a school year.
3. When an employee is approved and accepts a consultant assignment for another educational institution and is to be paid for his or her services, the employee may choose the consultant fee or the regular salary. If the employee accepts the consultant fee, he or she will be docked for the time off duty in order to serve as a consultant. If the employee chooses to be paid the District salary, any compensation paid for the employee's services must be turned in to the District's business office for deposit in the District's general account. Employees may accept reimbursement for actual out-of-pocket expenses incurred for travel to and from and per diem paid by the other educational institution.
4. Employees are at liberty to make whatever commitments they choose, and under such conditions as they may wish, during their vacation or nonduty periods. Employees may serve as consultants for organizations other than other educational institutions only during their vacation or nonduty periods. [See DCB(REGULATION) regarding nonduty days]
5. No part of the District's locally allocated travel allotment may be used by an employee when working with or for another educational institution. All travel costs must be borne by either the employee or the other educational institution.
6. None of the above provisions applies to requests from TEA. Such requests will be handled individually between the Superintendent and the person whose services are requested.

VIOLATION OF POLICY

All documentation and information concerning an infraction of policy shall be referred to the Superintendent or designee for investigation. ~~Employees found in violation of this policy shall be subject to disciplinary action that may include termination of employment.~~