

## Policy Code: 7730 Employee Conflict of Interest

**PURPOSE:** To describe and define certain conflicts of interest issues for all Franklin County employees

~~All Franklin County Board of Education employees have an obligation to conduct all Board-related business transactions without actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in direct benefit, personal gain or advantage for that individual or his/her relative or associate as a result of the Board of Education's business dealings. Each employee must, therefore, take all necessary precautions to avoid involvement in any kind of financial or personal dealings that might affect his or her judgment in acting on behalf of the Board of Education. Employees must, at all times, act in a manner that is consistent with the spirit of this policy while fulfilling their specific responsibilities with the school system.~~

~~Business dealings and contracts with outside firms should not result in unusual gains for those firms and shall not result in any gains or direct benefits for Board of Education employees. Kickbacks, bribes, bonuses, fringe benefits, inappropriate favors, promises of employment, and other self-serving transactions designed ultimately to benefit an outside firm, the employee are prohibited. An employee shall not use confidential information, obtained as a result of their relationship with the Board of Education, to derive a direct gain or benefit. No school employee may solicit or accept any gifts from any potential provider of E-rate services or products in violation of federal gifting rules.~~

~~As such,~~ Employees are expected to avoid engaging in any conduct that creates or gives the appearance to the public of creating a conflict of interest with their job responsibilities ~~with the school system.~~ **Employees shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system.** Although conflicts of interest are not limited to those described in this policy, at a minimum employees must comply with the board directives established below. In addition, employees engaged directly or indirectly in the school system's procurement, purchasing, and/or contracting process must comply with policy 6401/9100, Ethics and the Purchasing Function. ~~there may be other conflicts of interests, employees must follow board directives in the following areas.~~

### ~~A. FINANCIAL INTERESTS~~

~~An employee shall not engage in selling goods or services to the board and shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system.~~

### **A. Contracts with the Board**

An employee shall not do any of the following:

1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to [G.S. 14-234](#) or other law;
2. participate in the selection, award, or administration of a contract supported in whole or in part by federal funds if the employee has a real or apparent conflict of interest as described in policy 8305, Federal Grant Administration;
3. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board; or
4. solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract by the board.

An employee is involved in administering a contract if he or 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 or 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 or 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. An exception is allowed for employment contracts between the board and the spouse of the superintendent if approved by the board in an open session meeting in accordance with the requirements of state law and subsection D.2 of policy 7100, Recruitment and Selection of Personnel.

## **B. Misuse of Information**

An employee shall not do any of the following:

1. use information, which was learned in the employee's role as an employee and which has not been made public, to acquire a financial interest or gain a financial benefit, or to intentionally help another do so; or
2. acquire or gain, or intentionally help another person to acquire or gain, a financial interest or benefit in contemplation of official action by the employee or the school system.

## **C. Non-School Employment**

The board recognizes that some employees may pursue additional compensation on their own time. Any such employee shall not engage in the following:

1. non-school employment that adversely affects the employee's availability or effectiveness in fulfilling their primary job duties and responsibilities;
2. work of any type in which the sources of information concerning customer, client or employer originate from any information obtained through the school system;
3. work of any type that materially and negatively affects the educational program of the school system;
4. any type of private business using system facilities, equipment or materials, unless prior approval is provided by the superintendent; or
5. any type of private business during school time or on school property, **unless prior approval is provided by the superintendent.**

The superintendent may grant prior approval for work performed under subsections C.4 and C.5 above if such work enhances the employee's professional ability or professional growth for school-related work. The superintendent may establish reporting procedures that require employees to notify the school system of any non-school employment.

**Except as otherwise provided in the superintendent's contract, the superintendent is subject to the provisions of this section on non-school employment and shall seek prior approval from the board before engaging in consulting or other employment activities outside the school system. The board expects the superintendent to comply with all sections of this policy and all state and federal laws regarding conflicts of interest in his or her position as superintendent.**

#### **D. RECEIPT OF GIFTS**

~~No school employee may accept gifts from any person or group desiring to do or doing business with the school system, unless such gifts are instructional products or advertising items of nominal value that are widely distributed. No school employee may solicit or accept any gifts from any potential provider of E-rate services or products in violation of federal gifting rules.~~

**No employee may solicit or accept any gifts from any potential or current provider of E-rate services or products in violation of federal E-rate program gifting rules.**

**No employee may solicit or accept trips, meals, favors, or other gifts or items of monetary value from any other person or group desiring to do or doing business with the school system, unless such gifts are of nominal value (\$50 or less) and (1) are instructional products or advertising items that are widely distributed; (2) are honorariums for participating in a meeting; (3) are meals served at a banquet; or (4) are approved for receipt by the superintendent or designee. These exceptions for gifts of nominal value do not apply to employees involved in**

purchasing and procurement activities except as provided in policies 6401/9100, Ethics and the Purchasing Function, and 8305, Federal Grant Administration, and applicable state and federal law.

~~Disciplinary action, up to and including removal from one's position, and/or criminal prosecution are possible as a result of violating this policy and/or law.~~

## **E. Violations**

The superintendent or designee shall ensure that all personnel are aware of the requirements of this policy and applicable conflict of interest laws. Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 6401/9100, Ethics and the Purchasing Function, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 6401/9100, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Legal References: ~~G.S. 14-234, -234.1; 115C-47(18); 133-32; 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175~~ [2 C.F.R. 200.318\(c\)\(1\)](#); [47 C.F.R. 54.503](#); FCC Sixth Report and Order 10-175; [G.S. 14-234, -234.1; 133-32, -33; 115C-47\(17a\), -47\(18\); 133-32](#); Attorney General Opinion requested by L.W. Lamar regarding [G.S. 133-32](#), the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: ~~Board Member Conflict of Interest (policy 2121)~~ Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Recruitment and Selection of Personnel (policy 7100), Federal Grant Administration (policy 8305)

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**Franklin County Schools**