

## **Policy ~~3113~~ 541 – Conflict of Interest Employee Ethics**

Revised policy and repeal of Policy 3214 (Staff Gifts), Policy 3231 (Outside Activities of Staff), Policy 3231.01 (Participation in Political Activities), Policy 3310 (Freedom of Speech in Noninstructional Settings), Policy 4113 (Conflict of Interest), Policy 4214 (Staff Gifts), Policy 4231.01 (Participation in Political Activities), and Policy 8340 (Letters of Reference) effective July 1, 2019

*1<sup>st</sup> reading*      May 23, 2019

*2<sup>nd</sup> reading*

*3<sup>rd</sup> reading*

**Statutory authority**      (none)

### **Administrative Guidelines**

(none)

The Board recognizes that as a public agency in the State of West Virginia, its Board members, Superintendent, and employees are bound in their official acts by the provisions of the West Virginia Governmental Ethics Act and directs all of the above who question whether an action is ethical under the same to consult with the West Virginia Ethics Commission before engaging in such action.

~~A. The proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by Board of Education members, and the District's employees, officers and agents. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence in the District. For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines apply to all District employees, officers and agents, including members of the Board. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all professional employees, officers and agents.~~

- ~~1. No professional employee, officer or agent shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.~~
- ~~2. Professional employees, officers and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, private practice client, or parents of such students or clients in the course of their employment or professional relationship with the Board.~~

~~———— Included, by way of illustration rather than limitation, are the following:~~

- ~~a. the provision of any private lessons or services for a fee;~~
- ~~b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's or agent's employment or professional relationship with the District through his/her access to School District records;~~
- ~~c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals; and~~
- ~~d. the requirement of students or clients to purchase any private goods or services provided by an employee,~~

officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations. \_\_\_\_\_

3. No professional employee, member of his/her immediate family, or business with which s/he is associated shall have or develop, directly or indirectly, a pecuniary interest in the proceeds, profits, or benefits of any contract with the District, or in providing goods or services to the District for compensation, if s/he has voice, influence, or control over the decision by the District to contract or acquire the goods or services. A professional employee who has an interest in the profits or benefits of a contract is prohibited from making, participating in making, or in any way attempting to use his/her employment to influence a District decision affecting his/her financial interest. \_\_\_\_\_
4. No professional employee having any official action to perform in connection with bids, contracts, purchases, claims or other pecuniary transactions shall solicit, accept, or agree to accept any gift or gratuity from any person known by the employee to be interested in any such bid, contract, claim, purchase or transaction. \_\_\_\_\_
5. Every professional employee is prohibited from using his/her position of employment for his/her own private gain or that of another person. \_\_\_\_\_
6. No professional employee may solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the employee or his/her immediate family. Even then, a professional employee is prohibited from soliciting a charitable gift from any District official or employee whose position is subordinate to the soliciting professional employee. \_\_\_\_\_
7. No professional employee may knowingly and improperly disclose any confidential information acquired in the course of his/her duties nor use such information to further his/her personal interests or the interests of another person.
8. No professional employee may solicit private business from a subordinate employee whom s/he has the authority to direct, supervise or control, except when the solicitation is a) a general solicitation directed to the public at large through the mailing or other means of distribution of a letter, pamphlet, handbill, circular or other written or printed media; or b) limited to the posting of a notice in a communal work area; or c) for the sale of property of a kind that the person is not regularly engaged in selling; or d) made at the location of a private business owned or operated by the professional employee to which the subordinate employee has come on his/her own initiative. \_\_\_\_\_

\_\_\_\_\_ By way of illustration rather than limitation, this policy forbids the following:

- a. the provision to the District's students of any private lessons or services for a fee, provided, however, that tutorial services may be furnished to a student off school premises by appropriate teaching personnel at a fee negotiated between the student, the student's parent or guardian, and the professional, with prior approval of the Superintendent.
  - b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the professional employee's employment or through his/her access to District records
  - c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
  - d. the requirement of students or clients to purchase any private goods or services provided by a professional employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
9. A professional employee may use frequent flyer bonus points earned while traveling on official District business only if his/her participation in the frequent flyer program results in no additional cost to the District.
  10. Professional employees shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to

~~private practice clients, or the checking out of items from an instructional materials center for private practice.~~

~~11. A full-time professional employee is prohibited from personally participating in a decision, approval, disapproval, recommendation, rendering advice, investigation, inspection or other substantial exercise of administrative discretion involving a vendor with whom s/he is seeking employment or has an agreement concerning future employment.~~

~~12. A full-time professional employee who exercises authority or control over a public contract between a vendor and the District, or whose subordinate exercises such authority or control, is prohibited from seeking employment by the vendor or to purchase, sell, or lease real or personal property to or from the vendor. Nor shall s/he have an agreement with the vendor concerning future employment.~~

~~By way of illustration, a professional employee or subordinate is considered to exercise authority or control over a public contract by any of the following acts: drafting bid specifications or requests for proposals; recommending selection of the vendor; conducting inspections or investigations; approving the method or manner of payment to the vendor; providing legal or technical guidance on the formation, implementation, or execution of the contract; or taking other nonministerial action that may affect the financial interests of the vendor.~~

~~A person adversely affected by the restriction on purchasing personal property may make such a purchase only if the West Virginia Ethics Commission expressly approves, or if acting in good faith reliance upon a West Virginia Ethics Commission guideline, advisory opinion, or official policy.~~

~~B. Exceptions to Part A of this policy shall be approved by the Superintendent before entering into any private relationship.~~

~~C. Employees, officers and agents cannot participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.~~

~~Employees, officers and agents cannot solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds.~~

~~However, pursuant to Federal rules, the District has set standards for when an employee, officer or agent may accept the gift of an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$25.00 or less.~~

~~D. To the extent that the District has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.~~

~~E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.~~

~~The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.~~

~~F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.~~

~~Violation of this policy shall result in discipline, which may include termination from employment.~~

~~WV Code 6B-2-5~~

~~WV Code 61-5A-6~~

~~WV Code 61-10-15~~

~~2 C.F.R. 200.112, 200.113, 200.318~~

~~West Virginia State Board of Education 1224.1~~

~~West Virginia State Board of Education 8200~~

### *Staff Gifts*

Staff should be aware that the solicitation and receipt of gifts as a direct or indirect result of their employment with the Board is strictly regulated by the West Virginia Governmental Ethics Act, and any such solicitation or receipt should be examined against these regulations prior to its undertaking. Except in the case of a gift that is a ceremonial award; meal or beverage; has nominal value of \$25 or less; involves customary or courtesy admission to a charitable, cultural, or political event; is of a purely private and personal nature; or is from a relative or member of the same household, all gifts should be reviewed under the requirements of the West Virginia Governmental Ethics Act. Staff members who are unsure of their standing under the Act should consult the Superintendent.

~~Professional employees are prohibited from soliciting any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the employee or his/her immediate family; provided, that no professional employee may solicit for a charitable purpose any gift from any person who is also a Board of Education employee and whose position is subordinate to the soliciting professional employee.~~

~~With seven (7) exceptions, no professional employee shall knowingly accept any gift, directly or indirectly, from any person whom the employee has reason to know (a) is doing or seeking to do business of any kind with the School District, or (b) is engaged in activities that are regulated by the Board, or (c) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of the professional employee's official duties.~~

~~The seven (7) exceptions are that a professional employee may accept the following gifts if they do not impair the employee's impartiality and independent judgment and the employee did not have reason to think that they were offered for those purposes:~~

- ~~—A. meals and beverages;~~
- ~~—B. ceremonial gifts or awards of insignificant monetary value;~~
- ~~—C. unsolicited gifts of nominal value or trivial items of informational value;~~
- ~~—D. reasonable expenses for food, travel and lodging of the employee for a meeting at which s/he participates in a panel or speaking engagement;~~
- ~~—E. gifts of tickets or free admission extended to an employee to attend charitable, cultural or political events, if the purpose of the gift is a courtesy or ceremony customarily extended to the office;~~
- ~~—G. gifts that are purely private and personal in nature; and~~
- ~~—H. gifts from relatives by blood or marriage, or a member of the same household.~~

~~Additionally the Board of Education considers the presentation of gifts to professional staff members by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.~~

~~Based on the foregoing premise, it is the policy of the Board that professional staff members may accept gifts of nominal value from students or parents.~~

~~The Superintendent may approve acts of generosity to individual staff members in unusual situations.~~

~~Professional staff members shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, professional staff~~

members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, professional staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the School District, or a vendor with whom the County Board is doing business, whereby an individual professional staff member receives compensation in any form for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a professional staff member receives such compensation, albeit unsolicited, from a vendor, the professional staff member shall notify the Treasurer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Treasurer.

#### *Outside Activities of Staff*

The Board of Education directs the Superintendent to promulgate the following shall develop administrative guidelines so that professional staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the County School System Board. If such situations threaten a staff member's effectiveness within the school system, the Superintendent shall evaluate the impact of such interest, activity, or association upon the professional staff member's responsibilities.

- A. Staff members should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
- B. Staff members shall not use school property or school time to solicit or accept customers for private enterprises.
- C. Staff members shall not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.
- D. Staff members shall not campaign on school property during duty hours on behalf of any political candidate for local, State, or National office.
- E. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.
- F. Staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes.

#### *Research and Publishing*

- A. Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.
- B. Materials which might be considered for publication and/or production, which identify the County School System in any manner, shall be cleared with the Superintendent prior to publication and/or production.
- C. Publications and productions shall be subject to the following copyright provisions:
  - 1. Rights to copyrights or patents of books, materials, devices, etc. developed by professional staff members on their own time generally do not inure to the benefit of the Board, provided that:
    - a. — the books, materials, devices, etc. were prepared without the use of County data developed or marshaled by the Board and considered, confidential; Board facilities, and/or equipment;
    - b. — the County is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;
    - c. — the staff member does not become involved in any way in the selling of the product to the County Board of Education.
  - The Superintendent shall make the decision regarding whether materials were produced independently of any work assignment, and/or without using school equipment, facilities, data, or equipment following input from all persons with knowledge of the facts, including, but not limited to, the staff member in

~~question. The Superintendent shall submit such decisions to the Board.~~

~~Any disagreement as a result of the Superintendent's decision may be appealed to the Board. Nothing herein shall preclude the subject staff member from availing himself/herself of any legal remedies provided by law.~~

~~Professional staff members who desire to publish or produce materials on their own time should make such action known to the Superintendent prior to the time such work is started in order that proper procedures can be established to assure that County Board of Education interests and the interests of the staff member are protected.~~

~~2. All books, materials, devices, or products which result from the paid work time and/or prescribed duties of professional staff members shall remain the property of the Board of Education. The County Board shall retain all rights and privileges pertaining to the ownership thereof.~~

~~In the event that any of these products, in which the Board has rights and privileges, have commercial possibilities, the Superintendent is authorized to secure copyrights, patents, etc. which will ensure the ownership of the product by the Board.~~

~~The Superintendent is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the products.~~

#### *Participation in Political Activities*

One of the primary purposes of the school is to create an environment that will permit students to grow and develop. To be of maximum effect, this environment must extend to both the formal academic program as well as to the many extra-curricular activities sponsored by the School. Because of the ages of the students and the significance of the task, it is important that this environment be protected from interference by external, sometimes coercive or disruptive, forces and influences that do not substantially contribute to the learning process.

Non-school related activities, including political activities, do not contribute to a positive learning climate and may be disruptive, divisive and distracting. Therefore, such activities are not appropriate within the school setting. It is the intention of the Board of Education to regulate such activities on all Board owned or used property, within all school buildings and all school sponsored activities.

Specifically:

- A. Literature supporting or opposing one (1) or more candidates, issues, or a particular point of view; commercial literature, and other non-school related literature shall not be distributed on or in Board-owned or occupied buildings or grounds, inside of school buildings or on school buses immediately before or after school or while schools in session. (The distribution of materials to students by other students is governed by the regulations contained in Board of Education Policy).
- B. Literature supporting or opposing one (1) or more candidates, issues, or a particular point of view; commercial literature, and other non-school related literature shall not be distributed at school sponsored extra-curricular activities or athletic events wherever they may occur. This regulation shall not prohibit the distribution of literature outside of the entrances and exits of athletic events which are held on property and/or in buildings not owned and/or controlled by the Board, providing that any such distribution does not interfere with the ability of individuals to freely enter or leave the facility, is not disruptive, and does not take place when school is in session. Provided, however, that such distribution may not occur on property owned

and/or controlled by the Board.

- C. Non-school related, political, and/or commercial literature, or campaign posters supporting one (1) or more candidates, issues or a particular point of view shall not be displayed within the schools or on school owned or occupied property, unless done as part of any approved teaching unit.
- D. When the school facilities are used as a polling place, State regulations will be followed with respect to political activities, the display of political posters, and distribution of political literature on school property.
- E. Employees of the Board shall not engage, during the course of their employment, in any activities that support or oppose one (1) or more candidates, issues or a particular point of view while engaged in the performance of their duties. The right to express political or other opinions and exercise constitutional rights as citizens is naturally reserved to all employees.

#### *Freedom of Speech in Noninstructional Settings*

The Board of Education acknowledges the right of its professional staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the County Board of Education, however, the professional staff member's expression must be balanced against the interests of this County School System Board.

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which the professional staff member's expression could conflict with the Board's interests. In such situations, she/he should:

- A. state clearly that his/her expression represents personal views and not necessarily those of the School System Board, its employees, students, parents, or the Superintendent;
- B. consider carefully before making uttering expressions which will likely disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;
- C. not make threats or abusive or personally defamatory comments about co-workers, administrators, or officials, or members of the County School System Board;
- D. refrain from making public expressions which she/he knows to be false or are made without regard for truth or accuracy.

#### *Conflict of Interest*

A. The proper performance of school business is dependent upon the maintenance of unquestionably high standards of honesty, integrity, impartiality, and professional conduct by Board of Education's members, and the District's employees, officers and agents. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence in the District. For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines are apply to all District employees, officers and agents, including members of the Board. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all service employees, officers and agents.

- 1. ~~No service employee, officer or agent shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.~~
- 2. ~~Service employees, officers and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the Board.~~  
Included, by way of illustration rather than limitation, are the following:
  - a. ~~the provision of any private lessons or services for a fee;~~

- b. ~~the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's or agent's employment or professional relationship with the District through his/her access to School District records;~~
  - c. ~~the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals; and~~
  - d. ~~the requirement of students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.~~
3. ~~No service employee, member of his/her immediate family, or business with which s/he is associated shall have or develop, directly or indirectly, a pecuniary interest in the proceeds, profits, or benefits of any contract with the District, or in providing goods or services to the District for compensation, if s/he has voice, influence, or control over the decision by the District to contract or acquire the goods or services. A service employee who has an interest in the profits or benefits of a contract is prohibited from making, participating in making, or in any way attempting to use his/her employment to influence a District decision affecting his/her financial interest.~~
4. ~~No service employee having any official action to perform in connection with bids, contracts, purchases, claims or other pecuniary transactions shall solicit, accept, or agree to accept any gift or gratuity from any person known by the employee to be interested in any such bid, contract, claim, purchase or transaction.~~
5. ~~Every service employee is prohibited from using his/her position of employment for his/her own private gain or that of another person.~~
6. ~~No service employee may solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the employee or his/her immediate family. Even then, a service employee is prohibited from soliciting a charitable gift from any District school official or employee whose position is subordinate to the soliciting service employee.~~
7. ~~No service employee may knowingly and improperly disclose any confidential information acquired in the course of his/her duties nor use such information to further his/her personal interests or the interests of another person.~~
8. ~~No service employee may solicit private business from a subordinate employee whom s/he has the authority to direct, supervise or control, except when the solicitation is a) a general solicitation directed to the public at large through the mailing or other means of distribution of a letter, pamphlet, handbill, circular or other written or printed media; or b) limited to the posting of a notice in a communal work area; or c) for the sale of property of a kind that the person is not regularly engaged in selling; or d) made at the location of a private business owned or operated by the service employee to which the subordinate public official or public employee has come on his/her own initiative.~~

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By way of illustration rather than limitation, this policy forbids the following:

- a. ~~the provision to the District's students of any private lessons or services for a fee, provided, however, that tutorial services may be furnished to a student off of school premises by appropriate personnel at a fee negotiated between the student, the student's parent or guardian, and the service employee, with prior approval of the Superintendent;~~
- b. ~~the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the service employee's employment or through his/her access to District records;~~
- c. ~~the referral of any student or client for lessons or services to any private business or professional~~



practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;

d. ~~the requirement of students or clients to purchase any private goods or services provided by a service employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.~~

9. ~~A service employee may use frequent flyer bonus points earned while traveling on official District business only if his/her participation in the frequent flyer program results in no additional cost to the District.~~

10. ~~Service employees shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.~~

11. ~~A full-time service employee is prohibited from personally participating in a decision, approval, disapproval, recommendation, rendering advice, investigation, inspection or other substantial exercise of administrative discretion involving a vendor with whom s/he is seeking employment or has an agreement concerning future employment.~~

12. ~~A full-time service employee who exercises authority or control over a public contract between a vendor and the District, or whose subordinate exercises such authority or control, is prohibited from seeking employment by the vendor or to purchase, sell, or lease real or personal property to or from the vendor. Nor shall s/he have an agreement with the vendor concerning future employment.~~

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~~By way of illustration, a service employee or subordinate is considered to exercise authority or control over a public contract by any of the following acts: drafting bid specifications or requests for proposals; recommending selection of the vendor; conducting inspections or investigations; approving the method or manner of payment to the vendor; providing legal or technical guidance on the formation, implementation, or execution of the contract; or taking other nonministerial action that may affect the financial interests of the vendor.~~

~~A person adversely affected by the restriction on purchasing personal property may make such a purchase only if the West Virginia Ethics Commission expressly approves, or if acting in good faith reliance upon a West Virginia Ethics Commission guideline, advisory opinion, or official policy.~~

~~B. Exceptions to Part A of this policy shall be approved by the Superintendent before entering into any private relationship.~~

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~~C. Employees, officers and agents cannot participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.~~

~~Employees, officers and agents cannot solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds.~~

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~~However, pursuant to Federal rules, the District has set standards for when an employee, officer or agent may accept the gift of an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$25.00 or less.~~

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~~D. To the extent that the District has a parent, affiliate or subsidiary organization that is not a State, local government or~~

Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.

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E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

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The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

Violation of this policy shall result in discipline, which may include termination from employment.

~~WV Code 6B-2-5~~

~~WV. Code 61-5A-6~~

~~WV Code 61-10-15~~

~~2 C.F.R. 200.112, 200.113, 200.318~~

~~West Virginia State Board of Education policy 1224.1~~

~~West Virginia State Board of Education policy 8200~~

#### *Staff Gifts*

Service personnel are prohibited from soliciting any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the employee or his/her immediate family; provided, that no service employee may solicit for a charitable purpose any gift from any person who is also a Board of Education employee and whose position is subordinate to the soliciting service employee.

With seven (7) exceptions, no service employee shall knowingly accept any gift, directly or indirectly, from any person whom the employee has reason to know (a) is doing or seeking to do business of any kind with the School District, or (b) is engaged in activities that are regulated by the Board, or (c) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of the service employee's official duties.

The seven (7) exceptions are that a service employee may accept the following gifts if they do not impair the employee's impartiality and independent judgment and the employee did not have reason to think that they were offered for those purposes:

\_\_\_\_\_ A. \_\_\_\_\_ meals and beverages;

\_\_\_\_\_ B. \_\_\_\_\_ ceremonial gifts or awards of insignificant monetary value;

\_\_\_\_\_ C. \_\_\_\_\_ unsolicited gifts of nominal value or trivial items of informational value;

\_\_\_\_\_ D. \_\_\_\_\_ reasonable expenses for food, travel and lodging of the employee for a meeting at which s/he participates in a panel or speaking engagement;

\_\_\_\_\_ E. \_\_\_\_\_ gifts of tickets or free admission extended to an employee to attend charitable, cultural or political events, if the purpose of the gift is a courtesy or ceremony customarily extended to the office;

\_\_\_\_\_ G. \_\_\_\_\_ gifts that are purely private and personal in nature; and

\_\_\_\_\_ H. \_\_\_\_\_ gifts from relatives by blood or marriage, or a member of the same household.

Additionally, the Board considers the presentation of gifts to service personnel staff members by students and their parents an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that service personnel staff members may accept gifts of nominal value from students or parents.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Service personnel staff members shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, service personnel staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, service personnel staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the School District, or a vendor with whom the Board is doing business, whereby an individual service personnel staff member receives compensation in any form for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a service personnel staff member receives such compensation, albeit unsolicited, from a vendor, the service personnel staff member shall immediately notify the Treasurer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Treasurer.

West Virginia Code 61-10-15 and 6B-2-5

#### *Participation in Political Activities*

One of the primary purposes of the school is to create an environment that will permit students to grow and develop. To be of maximum effect, this environment must extend to both the formal academic program as well as to the many extra-curricular activities sponsored by the School. Because of the ages of the students and the significance of the task, it is important that this environment be protected from interference by external, sometimes coercive or disruptive, forces and influences that do not substantially contribute to the learning process.

Non-school related activities, including political activities, do not contribute to a positive learning climate and may be disruptive, divisive and distracting. Therefore, such activities are not appropriate within the school setting. It is the intention of the Board of Education to regulate such activities on all Board owned or used property, within all school buildings and all school sponsored activities.

Specifically:

\_\_\_\_\_ A. \_\_\_\_\_ Literature supporting or opposing one (1) or more candidates, issues, or a particular point of view; commercial literature, and other non-school related literature shall not be distributed on or in Board owned or occupied buildings or grounds, inside of school buildings or on school buses immediately before or after school or while schools in session. (The distribution of materials to students by other students is governed by the regulations contained in Board of Education Policy).

\_\_\_\_\_ B. \_\_\_\_\_ Literature supporting or opposing one (1) or more candidates, issues, or a particular point of view; commercial literature, and other non-school related literature shall not be distributed at school sponsored extra-curricular activities or athletic events wherever they may occur. This regulation shall not prohibit the distribution of literature outside of the entrances and exits of athletic events which are held on property and/or in buildings not owned and/or controlled by the Board, providing that any such distribution does not interfere with the ability of individuals to freely enter or leave the facility, is not disruptive, and does not take place when school is in session. Provided, however, that such distribution may not occur on property owned and/or controlled by the Board.

\_\_\_\_\_ C. \_\_\_\_\_ Non-school related, political, and/or commercial literature, or campaign posters supporting one (1) or more candidates, issues or a particular point of view shall not be displayed within the schools or on school owned or occupied property, unless done as part of any approved teaching unit.

\_\_\_\_\_ D. \_\_\_\_\_ When the school facilities are used as a polling place, State regulations will be followed with respect to political activities, the display of political posters, and distribution of political literature on school property.

~~\_\_\_\_\_ E. \_\_\_\_\_ Employees of the Board shall not engage, during the course of their employment, in any activities that support or oppose one (1) or more candidates, issues or a particular point of view while engaged in the performance of their duties. The right to express political or other opinions and exercise constitutional rights as citizens is naturally reserved to all employees.~~

#### *Letters of Reference*

~~The Board of Education recognizes that an employee or former employee's request to an administrator for a letter of reference is an opportunity to share information about the staff member's performance with a prospective employer or other interested party. A current or former employee shall have no expectation that a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the administrator. Only the Superintendent shall be authorized to provide letters of reference on official Board letterhead for current or former employees, and only inasmuch as information from the employee's personnel file can be used to construct such a letter.~~

~~If an administrator opts, however, to prepare a reference letter, the Board expects that administrator to provide specific and truthful comments concerning the employee or former employee's actual performance that can be substantiated by the administrator's personal knowledge and, in the case of negative comments, by documentation included in the individual's personnel file.~~

~~No letters of reference shall be provided on behalf of any employee or former employee unless there is a signed and dated authorization for the release of such information included in the pertinent personnel file.~~

~~No letters of reference shall be provided for current or former employees who the Board knows engaged in sexual misconduct regarding a minor or student.~~

~~An administrator who prepares a letter of reference or provides an employment reference pursuant to this policy, is prohibited from assisting a County employee, contractor or agent in obtaining a new job if s/he knows or has reasonable cause to believe that such County employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administration and personnel files. The only exceptions permitted are those authorized by the Every Student Succeeds Act, such as where the matter has been investigated by law enforcement and the matter was officially closed due to lack of probable cause or where the individual was acquitted or otherwise exonerated of the alleged misconduct.~~

~~In accordance with law, an administrator who, in the scope of his/her employment, provides a letter of reference may be entitled to a qualified privilege for statements included in that reference letter, provided such statements were made in good faith, without malice, and in accordance with this policy.~~

~~The Superintendent shall develop the administrative guidelines necessary to implement this policy.~~

~~Section 8546 of the Every Student Succeeds Act (ESSA)~~