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# Avoiding Conflicts of Interest as a Public School Employee

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As a public education employee there are numerous sources defining “Ethical Conduct.” Standards of Ethical Conduct address a wide variety of issues, from professionalism in dress to maintaining appropriate relationships with students, parents, and co-workers. This brochure is intended to outline the standards of Ethical Conduct established by Utah law to assure that public employees avoid conflicts of interest and maintain the public trust. The legal provisions specifically addressed are:

[Utah Public Officers’ and Employees’ Ethics Act](#), which provides general standards of conduct for public employees in areas where there are actual or potential conflicts of interest between an employee’s public duties and their private interests. (*Utah Code Ann. Title 67, Chapter 16*)  
[Utah Procurement Code: Unlawful Conduct](#), which imposes a more stringent standard for avoiding conflicts of interest involving public employees involved in the procurement of goods or services. (*Utah Code Ann. 63G-6a-2404*)  
[Educational Services Outside of Educator’s Regular Employment](#), which outlines the requirements for a public school employee to participate in activities such as tutoring, private lessons, clinics, camps, or travel opportunities involving current or prospective students. (*Utah Admin. Code R277-107*)

## THE INTENT OF THE ETHICS ACT IS –

- to promote the public interest and strengthen the confidence of citizens in the integrity of their government; and
- to allow public employees to take advantage of opportunities available to all other citizens to acquire private economic or other interests where it will not interfere with the full and faithful discharge of their public duties.

### Non Education-related Outside Employment

A school district employee who participates in non-education-related employment or business activities outside of their district employment may not:

- accept employment or engage in any business or professional activity that would require disclosure of controlled information gained by reason of their employment;
- disclose controlled, protected, or private information gained by reason of their employment to secure personal privileges or exemptions for self or others;
- use their position as a district employee to further their own personal economic interest or secure special privileges or exemptions for self or others; or
- accept outside employment that may impair independence of judgment in performing their public duties.

### Accepting Gifts

A school district employee may not knowingly receive, accept, seek, or solicit, directly or indirectly, for themselves or another, any gift or benefit where:

- it would tend to improperly influence the performance of job responsibilities;
- it is intended as a reward for official action taken; or
- the employee is currently, or in the near future will be involved in action directly affecting the donor.

The Ethics Act defines “gift or compensation” as anything of economic value, however, designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the employer for or in consideration of personal services, materials, property, or any other thing whatsoever.

A school district employee who is not involved in the procurement of goods or services, may accept an occasional non-monetary gift having a value not exceeding \$50 and any award which may be publicly presented in recognition of public services.

**Participation in Transaction Involving Business as to Which Employee Has an Interest**

A school district employee may not participate in their official capacity in any transaction between the district and any business in which they are an officer, director, employee, owner, or is a family member that stands to benefit by association, unless the employee has submitted a disclosure to their direct supervisor and the superintendent.

<b>Educational Services Outside of Educator’s Regular Employment</b>	<b>Utah Procurement Code: Unlawful Conduct</b>
<p>A school district employee who desire to participate in a private, but public education-related activities where the principle clients are current or prospective students must abide by applicable state laws and rules. Such activities include tutoring, lessons, clinics, camps, or travel opportunities.</p> <p>A school district employee’s participation in outside activities must be separate and distinguishable from their school employment and the employee:</p> <ul style="list-style-type: none"><li>▪ may not promote the activities by contacting students at the public schools or by using education records or information obtained through their school employment unless the records or information are readily available to the general public;</li><li>▪ may not state or imply to any person that participation in a regular school activity or program or the receipt of school credit is conditioned on participation in a private activity;</li><li>▪ shall assure that any advertising of the outside activity is in compliance with state law and district policy; and</li><li>▪ shall provide a copy of any contract entered into with an activity sponsor to their direct supervisor and the Superintendent’s Office.</li></ul>	<p>The Procurement Code provides guidance to public entities, their officers, and employees in the expenditure of public funds.</p> <p>To avoid conflicts of interest and assure fair and equitable treatment of all persons who enter into business relationships with a public entity, more stringent precautions must be followed than those seen in private industry or even in other areas of the Ethics Act.</p> <p>Any school district employee who, in their official capacity, participate in the procurement of supplies, services, construction, real property, or insurance is guilty of a felony if the employee asks or receives any compensation, gratuity, contribution, loan, or reward, or any promise of such, either for the employee’s own use or the use or benefit of any other person or organization from any person interested in the sale of those items.</p> <p>It is not a violation of state law or district policy for a school district employee involved in the procurement process to accept a hospitality gift if the total value of the hospitality gift is less than \$10.</p>