

**Administrative Procedures for Policy #1740 (Administration) of the Board of Education
Regarding Ethics: Conflicts of Interest**

I. Definitions

- A. All definitions are found in Administrative Procedure 1740.1 of the Board of Education Regarding Ethics – Definitions.

II. Participation

- A. Except as permitted by Board of Education policy or procedure or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:
1. Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest; or
 2. Any matter in which any of the following is a party:
 - a. A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;
 - b. A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner or employee;
 - c. A business entity with which the official or, to the knowledge of the official, a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;
 - d. A business entity that is a party to an existing contract with the official or which, to the knowledge of the official, a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board of Education duties of the official;
 - e. An entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
 - f. A business entity that the official knows is a creditor or obligee of the official or a qualified relative of the official with respect to a thing of economic value; and, as a creditor or obligee, is in a position to directly and substantially affect the interest of the official or a qualified relative of the official.

3. An official who is disqualified from participating under II.a. above shall disclose the nature and circumstances of the conflict and may participate or act if:
 - a. The disqualification leaves the body with less than a quorum capable of acting;
 - b. The disqualified official is required by law to act; or
 - c. The disqualified official is the only person authorized to act.
4. A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than a member of the Board, may not participate in a case, contract, or other specific matter as an employee or official, other than a member of the Board, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

III. Employment and Financial Interests

- A. Except as permitted by the policies of the Board of Education when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official may not:
 1. Be employed by or have a financial interest in an entity that is:
 - a. Subject to the authority of the school system or Board of Education; or
 - b. Negotiating or has entered a contract with the school system or Board of Education; or
 2. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official.
- B. This prohibition does not apply to:
 1. An official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with policies adopted by the Board of Education; or
 2. Subject to other provisions of regulation and law, a member of the Board of Education in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the Board.

IV. Post-employment

- A. A former official may not assist or represent any party other than the Board of Education or school system for compensation in a case, contract, or other specific matter involving the Board of Education or school system if that matter is one in which the former official significantly participated as an official.

V. Contingent compensation

- A. Except in a judicial or quasi-judicial proceeding, an official may not assist or represent a party for contingent compensation in a matter before or involving the Board of Education or the school system.

VI. Prestige of office

1. An official may not intentionally use the prestige of office or public position:
 - a. for the private gain of that official or the private gain of another, or,
 - b. to influence, except as part of the official duties of the official or as a usual and customary constituent service by a member of the Board without additional compensation, the award of a state or local contract to a specific person.
2. An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
3. This subsection does not prohibit the performance of usual and customary constituent services by a member of the Board of Education without additional compensation.
4. An official, other than a member of the Board, may not use public resources or the title of the official to solicit a contribution as that term is defined in the Election Law Article.
5. A member of the Board may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

VII. Solicitation or acceptance of gifts by individuals

- A. An official may not solicit any gift.
- B. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
- C. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
 1. Is doing business with or seeking to do business with Calvert County Public Schools or the Board of Education;
 2. Is subject to the authority of the school system or Board of Education;
 3. Is a regulated lobbyist with respect to the matters within the jurisdiction of the official; or
 4. 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 school system duties of the official.
 5. Is an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.

D. This paragraph does not apply to a gift:

1. That would tend to impair the impartiality and independent judgment of the official receiving the gift;
2. Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or
3. Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.

E. An official may accept:

1. Meals and/or beverages received and consumed in the presence of the donor or sponsoring entity;
2. Ceremonial gifts or awards that have insignificant monetary value;
3. Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial gifts of informational value;
4. Reasonable expenses for food, travel, lodging, or scheduled entertainment of the official at a meeting which is given in return for the participation of the official in a panel or a speaking engagement at the meeting;
5. Gifts of tickets or free admission extended to members of the Board of Education to attend a charitable, cultural or political event as long if the purpose of the gift or admission is a courtesy or ceremony extended to the Board of Education;
6. A specific gift or class of gifts which the Ethics Panel exempts from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system or Board of Education and that the gift is purely personal and private in nature;
7. Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or
8. An honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the school system or Board position of the official.

VIII. Disclosure of Confidential Information

- A. Other than in the discharge of his/her official duties, an official or former official may not disclose or use confidential information that the official acquired by reason of the official's public position or former public position and is not available to the public for the economic benefit of the official or the economic benefit of another person.

IX. An official may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

X. Procurement

Administration 1740.3

Procedures Written: 4/14/05

Procedures Revised: 2/19/08; 4/12/12; 5/29/15; 12/10/18; 12/08/21; 10/19/22; 9/10/24

Page 4 of 6

- A. An individual or person that employs an individual who assists the school system or Board of Education in the drafting of specification, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
 - B. The Ethics Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.
- XI. The Ethics Panel or Board of Education, as appropriate, may grant exemptions and modifications to provisions II through IX above for employees and appointed officials who are not members of the Board of Education when the Panel or Board of Education determines that application of those provisions is not required to preserve the purposes of this procedure and would:
 - A. Constitute an unreasonable invasion of privacy; and
 - B. Significantly reduce the availability of qualified persons for public service.
- XII. Additional Restrictions and Areas of Conflicts of Interest
 - A. No official will use Calvert County Public Schools resources, including facilities, for their own benefit or the benefit of outside employment.
 - B. In any matter directly involving the employment, assignment, promotion, individual compensation, discipline, suspension, or dismissal of an immediate family member of a member of the Calvert County Board of Education, said Board member will disqualify him/herself from the room during all such proceedings, whether public or closed, in accordance with Calvert County Public Schools Policy #6910 Regarding Nepotism.
 - C. No Board member may serve in any appointed or similar position which may lead to a conflict of interest with Board membership.
 - D. Board members, officials, and employees who are candidates for public office will adhere to Calvert County Public Schools Policy and Procedure #1020 Regarding Candidates for Public Office.
- XIII. Advisory Opinions
 - A. When an official has a question about the interpretation of any section of this procedure or faces a situation not specifically covered under this procedure, that official may request an Advisory Opinion from the Calvert County Public Schools Ethics Panel in accordance with Calvert County Public Schools Procedure #1740.2 for an interpretation or ruling.
- XIV. Reporting of Violations
 - A. No Board member, official, or employee will knowingly fail to report any violation of this procedure.
 - B. Violations shall be reported to the Board of Education Ethics Panel in accordance with Calvert County Public Schools Administrative Procedure #1741.2.
- XV. Sanctions

Administration 1740.3

Procedures Written: 4/14/05

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- A. Violations of this procedure will constitute a violation of Calvert County Public Schools Ethics Policy 1740. Sanctions for noncompliance with this procedure will be governed by Calvert County Public Schools Administrative Procedure #1740.2

Related Calvert County Public Schools Policies and Procedures:

- 1020 Candidates for Public Office
- 5550 Bidding
- 6910 Nepotism