

Public employees are held to a high standard and are expected to avoid any conflict of interest, especially when public funds are at issue. Conflicts of interest generally require employees and officers to disqualify themselves from participating in a decision when a financial or personal interest is present. Accordingly, it is the policy of this district that none of its employees or officers shall engage in any activities that place them in a conflict of interest between their official activities and any other interest or obligation.

Idaho law prohibits local public officials, including public school district employees, from taking any official action or making any decision or recommendation which would be to the private financial benefit of the person or member of the person's household, or to the benefit of a business with which the person is associated, unless the private financial benefit arises out of (i) an interest or membership in a particular business, industry, occupation or class required by law as a prerequisite to the holding of the person's position; (ii) any action in the person's official capacity which would affect to the same degree a class consisting of an industry or occupation group in which the person, or member of the person's household or business with which the person is associated, is a member; or (iii) any interest which a person has by virtue of his profession, trade or occupation where his or her interest would be affected to the same degree as that of a substantial group or class of others similarly engaged. For purposes of this policy, "member of a person's household" means the spouse and dependent children of the person and/or persons whom the public employee is legally obligated to support.

## **PURCHASING AND CONTRACTS**

No employee or member of the employee's household will make any purchase or incur any obligations for or on behalf of the district from any private business or venture in which or with which the employee or relative has a direct or indirect financial or ownership interest except as allowed by law.

The board may accept and award district contracts in which an employee, or his or her spouse or relative, has a direct or indirect interest if the requirements of Idaho Code §18-1361 are satisfied, which generally requires that less than three (3) suppliers of a good or service exist within a fifteen (15) mile radius of the district and the purchase is either (i) necessary to respond to a disaster or (ii) the contract is competitively bid, the employee did not assist in the preparation of the bid specifications, the employee makes full written disclosure to the board of his/her interest, and no public bidding laws were violated.

## **Compliance with Federal Purchasing Guidelines**

No employee, officer or agent of the district shall participate in the selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Conflicts of interest for purposes of purchases supported by federal funds arise when one of the following has a financial or other interest in the firm selected for the award or in any tangible personal benefit offered by the firm: (a) the employee, officer, or agent; (b)

his or her partner; (c) any member of his or her family; or (d) an organization which employs or is about to employ one of the above. The district will not knowingly do business with a company that is debarred or suspended under federal purchasing guidelines.

In addition to the provisions of this policy, any purchase of property, goods or services with funds from a Federal award shall follow the provisions set forth in Policy 850 and the District's Policies and Procedures Manual for the Administration of Federal Education Programs ("Federal Programs Manual."

**GIFTS**

No employee will accept any gratuities, favors, gifts, prizes, awards, merchandise, commission, or anything of monetary value from (a) contractors, political contractors, or parties to agreements or sub-agreements related to purchases supported by federal funds; or (b) as a result of ordering any items with a vendor on behalf of the district. This prohibition does not include trivial benefits not to exceed a value of fifty dollars (\$50) incidental to personal, professional or business contacts and involves no substantial risk of undermining official impartiality.

An employee may accept an award of five hundred dollars (\$500) or less given to the employee by a nonprofit organization whose membership is limited to public servants as part of a public servant recognition program that is designed to recognize innovation and achievement in the workplace, provided that the organization awarding the funds discloses in advance on its website the nature of the program, the amount of the award, the names of any persons or entities that contributed to the award and the recipient of the award.

**PENALTIES FOR VIOLATIONS**

Penalties for violations of the standards set forth in this policy may include the following: (a) reprimand or other disciplinary action by the board, superintendent or designee; or (b) termination of employment. The board reserves the right to take other legal action consistent with applicable law.

**CONFLICTING RELATIONSHIPS**

The board recognizes that conflicts of interests and concerns regarding relationships in which a power differential exists may arise under other circumstances as well. It is in the interest of the district that the board provide clear direction regarding the professional risks associated with either familial relationships or romantic/sexual relationships where a definite power differential exists between the parties.

Conflicts of interest may arise in connection with familial relationships or romantic/sexual relationships between supervisors and subordinates. General ethical principles preclude individuals from evaluating the work of others with whom they have familial relationships, or from making hiring, salary, or similar financial decisions concerning such persons. The same principles apply to romantic and/or sexual relationships, and require, at a minimum, that appropriate arrangements be made for objective decision-making.

In a romantic and/or sexual relationship involving power differential, the potential for serious consequences also exists. Individuals entering into such relationships must recognize that:

1. Reasons for entering into such a relationship may be a function of the power differential;
2. Even in a seemingly consensual relationship where power differentials exist, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.
3. Such a relationship may affect the educational or employment environment for others by creating an appearance of improper, unprofessional or discriminatory conduct and may provide grounds for complaint by third parties when the relationship gives undue access or advantage, restricts opportunities, or creates a perception of these problems.

For the above reasons, the district discourages employees from entering into romantic and/or sexual relationships with other district employees, particularly where a power differential exists. Because of the potential for conflict of interest, exploitation, favoritism, and bias, where familial relationships or romantic and/or sexual relationships exist between supervisors and subordinates, the persons involved in those relationships shall adhere to the following rules:

1. If a supervisor and an employee who is in the direct line of authority of the supervisor become related or become involved in a romantic/sexual relationship, both employees shall have the obligation to notify the Human Resources Director, or the Superintendent, if it is the Human Resources Director who is involved in such relationship, within ten (10) working days after the supervisor and employee become related or involved in a romantic/sexual relationship. If the Superintendent is involved in the familial or romantic/sexual relationship, the Board Chairman shall be notified of such relationship as provided in this section.
2. A person serving in a supervisory position may not participate in decisions regarding hiring, placement, evaluation, salary, promotion, or other personal interest for a relative employed by the district or a person with whom the supervisor is involved in a romantic/sexual relationship, even when the supervisor is not in the direct line of authority. In the event such a relationship exists, the Superintendent or his/her designee (or the board if the Superintendent is the supervisor involved in the relationship) shall assign an alternate supervisor. Other options available to alleviate actual or potential conflicts include transferring one or both employees to other available positions in the district (assuming all necessary qualifications for such position are satisfied) or allowing one or both employees the option to resign.
3. Where such a relationship exists, the person in the position of greater power will bear the primary burden of accountability, and must ensure that he or she does not exercise any supervisory or evaluative function over the other person in the relationship.

If a violation of this policy is found, including failure to disclose facts regarding the existence of such relationship, the board may take whatever action appears appropriate according to the circumstances, up to and including termination.

Nothing in this policy shall be construed to prohibit any employee from teaching, grading, disciplining or otherwise performing his or her duties with respect to his or her own child who attends the school in which the employee works. This policy shall not be construed to prohibit the employment of relatives of employees in the district or at the same work location so long as neither employee is directly or indirectly supervised by the other, or has any authority for making recommendations or decisions relating to salary, discipline or termination.

Unwelcome behavior, including retaliation, may be a violation of the district’s Bullying, Intimidation and Harassment Policy (Policy 423) and the Code of Ethics (Policies 442 – Certified Staff and 470.20 – Classified Staff).



**LEGAL REFERENCE:**

Idaho Code Sections

18-1351 et seq. – Bribery and Corrupt Influence Act

74-401 et seq. – Ethics in Government Act

2 CFR §200.318 – General Procurement Standards

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