Book	Policy Manual
Section	(A) LOCAL BOARD
Title	Policy A110 - Conflict Of Interest (JOC Members)
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Conflict of Interest (JOC Members)
Definitions

Confidential Information – information not attainable from reviewing a public document or from making inquiry to a publicly available source of information.

Immediate Family – a parent, parent-in-law, spouse, child,spouse of a child, brother, brother-in-law, sister, sister-in-law, or the domestic partner of a parent, child, brother or sister.

Conflict of Interest – use by a Joint Committee member of the authority of his/her office, or any confidential information received through his/her holding public office, for the private pecuniary benefit of himself/herself, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated. The term does not include an action having a deminim is economic impact, or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the Joint Committee member, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated.

Associated – (as used in connection with a business) means one who is an officer, director, owner or employee of or has a material financial interest in the business.
Material Financial Interest – any financial interest in a legal entity engaged in business for profit where said interest comprises more than five percent (5%) of the equity of the business or more than five percent(5%) of the assets of the economic interest in indebtedness.
Guidelines

All Joint Committee members shall be provided with a copy of this policy and acknowledge receipt and understanding of the guidelines contained herein in writing at the time of their orientation.

No Joint Committee member shall be allowed to take the oath of office or enter or continue upon his/her duties, nor shall s/he receive compensation from public funds, unless s/he has filed a statement of financial interests as required by law.

No Joint Committee member shall engage in conduct that constitutes a conflict of interest.

Standards of Conduct

The following standards shall govern the actions of Joint Committee members.

No Joint Committee member may participate in the selection,award or administration of a contract if s/he has a conflict of interest as defined above, as well as any other circumstance in which the Joint Committee member,any member of his/her immediate family, his/her business partner, or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered fora contract.

The School may not enter into a contract valued at $500 or more with the below individuals, unless the contract has been awarded through an open and public process including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the Joint Committee member shall not have any supervisory or overall responsibility for the implementation or administration of the contract.

(1) a Joint Committee member;
(2) a member of the Joint Committee member's immediate family;
(3) any business in which the Joint Committee member or a member of the his/her immediate family is associated; or
(4) any business in which the Joint Committee member, a member of his/her immediate family,or business in which any such individual is associated is a subcontractor.

When advertised formal bidding is not required or used, an open and public process shall include at a minimum:
1. Public notice of the intent to contract for goods or services;
2. A reasonable amount of time for potential contractors to consider whether to offer quotes; and
3. Post-award public disclosure of who made bids or quotes and who was chosen.

Subject to the following exception, in the event any Joint Committee member would be required to vote on a matter that would result in a conflict of interest, the Joint Committee member shall be required to abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his/her interest as a public record in a written memorandum filed with the Secretary.

Although a Joint Committee member is generally required to abstain from voting on any matter that would result in a conflict of interest,a Joint Committee member may vote on such a transaction or arrangement if the vote is needed to break a tie or if his/her vote is needed to make the majority or other legally required vote attainable.In those situations, the Joint Committee member must publicly disclose his/her interest and may not have any supervisory or overall responsibility for the implementation or administration of the transaction or arrangement.

Joint Committee Members may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value and otherwise in accordance with Policy/Director Procedure P106 (Gifts).

Improper Influence

No Joint Committee member, nominee or candidate for the Joint Committee shall solicit or accept anything of monetary value, including a gift,loan, political contribution, reward or promise of future employment, based on any understanding of that Joint Committee member, nominee or candidate that the vote, official action or judgment of the Joint Committee member, nominee or candidate for the Joint Committee would be influenced thereby.

Organizational Conflicts

Organizational conflicts of interest may exist when due to the School's relationship with a subsidiary, affiliated or parent organization that is a candidate for award of a contract in connection with federally funded activities, the School may be unable or appear to be unable to be impartial in conducting a procurement action involving a related organization.

In the event of a potential organizational conflict, the potential conflict shall be reviewed by the Executive Director or designee,when brought to the Executive Director's attention, to determine whether it is likely that the School would be unable or appear to be unable to be impartial in making the award. If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:

1. The organizational relationship shall be disclosed as part of any notices to potential contractors;

2. Any School employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;

3. A competitive bid, quote or other basis of valuation is considered; and

4. The School has determined that contracting with the related organization is in the best interests of the program involved.

Reporting

Any perceived conflict of interest of a Joint Committee member that is detected or suspected by any employee or third party shall be reported to the Joint Committee President. If the Joint Committee President is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Executive Director, who shall report the incident to the solicitor.

No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest.

Investigation

Investigations based on reports of perceived violations of this policy shall comply with state and federal laws and regulations. No person sharing in the potential conflict of interest being investigated shall be involved in conducting the investigation or reviewing its results.

In the event an investigation determines that a violation of this policy has occurred, the violation shall be reported to the extent required by law.

Corrective Action

If an investigation results in a finding that a complaint is factual and constitutes a violation of this policy, the School shall take and document prompt, corrective action to ensure that such conduct ceases and will not recur.

Corrective action shall be consistent with applicable law.

This policy is intended to supplement, but not replace, any applicable state laws and regulations governing conflicts of interest,including but not limited to relevant provisions of the Pennsylvania Public School Code and the Pennsylvania Public Official and Employees Ethics Law, and the Uniform Administrative Requirements for Federal Awards.

Adopted: 6/16/16