

Policy Code: 7730 Employee Conflict of Interest

Employees are expected to avoid engaging in any conduct that creates, or gives the appearance to the public of creating a conflict of interest with their job responsibilities. Employees shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system. Although conflicts of interest are not limited to those described in this policy, at a minimum employees must comply with the board directives established below. In addition, employees engaged directly or indirectly in the school system's procurement, purchasing, and/or contracting process must comply with policy 6401/9100, Ethics and the Purchasing Function.

A. CONTRACTS WITH THE BOARD

An employee shall not do any of the following:

1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to [G.S. 14-234](#) or other law;
2. participate in the selection, award, or administration of a contract supported in whole or in part by federal funds if the employee has a real or apparent conflict of interest as described in policy 8305, Federal Grant Administration;
3. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the employee or immediate family member will benefit will obtain a direct benefit from the contract; or
4. solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract by the board.

An employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. An employee is involved in making a contract if he or she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract. An employee derives a direct benefit from a contract if the employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; (3) acquires property under the contract. An exception is allowed for employment contracts between the board and the spouse of the superintendent if approved by the board in an open session meeting in accordance with the requirements of state law and subsection D.2 of policy 7100, Recruitment and Selection of Personnel.

B. MISUSE OF INFORMATION

An employee shall not do any of the following:

1. use information, which was learned in the employee's role as an employee and which has not been made public, to acquire a financial interest or gain a financial benefit, or to intentionally help another do so; or
2. acquire or gain, or intentionally help another person to acquire or gain, a financial interest or benefit in contemplation of official action by the employee or the school system.

C. NON-SCHOOL EMPLOYMENT

The board recognizes that some employees may, pursue additional compensation on their own time. Any such employee will not engage in the following:

1. non-school employment which adversely affects the employee's availability or effectiveness in fulfilling job responsibilities or substantially disrupts the educational process of the school district
2. work of any type where the sources of information concerning customer, client or employer originates from any information obtained through the school district,
3. work of any type that materially and negatively affects the educational program of the school system
4. any type of private business using district facilities, equipment or materials, unless prior approval is provided by the superintendent; or
5. any type of private business during school time unless prior approval is provided by the superintendent in writing.

The superintendent may grant prior approval for work performed under subsections C.4 and C.5 above if such work enhances the employee's professional ability or professional growth for school-related work. The superintendent may establish reporting procedures that require employees to notify the school district of any non-school employment.

Except as otherwise provided in the superintendent's contract, the superintendent is subject to the provisions of this section on non-school employment and shall seek prior approval from the board chair before engaging in consulting or other employment activities outside the school system. The board expects the superintendent to comply with all sections of this policy and all state and federal laws regarding conflicts of interest in his or her position as superintendent. The superintendent will provide quarterly updates when no prior approval is required.

D. RECEIPT OF GIFTS

No employee may solicit or accept any gifts from any potential or current provider of E-rate services (Schools and Libraries Program of the Universal Service Fund) or products in violation of federal E-rate program gifting rules.

No school employee may solicit or accept trips, meals, favors, or other gifts or items of monetary value from any other person or group desiring to do or doing business with the school district unless such gifts are of nominal value (\$50 or less) and (1) are instructional products or advertising items which are widely distributed; (2) are honorariums for participating in a meeting; (3) are meals served at a banquet; or (4) are approved for receipt by the superintendent or designee. These exceptions for gifts of nominal value do not apply to employees involved in purchasing and procurement activities except as provided in policies 6401/9100, Ethics and the Purchasing Function, and 8305, Federal Grant Administration, and applicable state and federal law.

E. PROFESSIONAL PERSONNEL CONSULTING

The board authorizes the superintendent to review requests by professional personnel (teachers and others paid on the teacher salary schedule or derivatives of the teacher salary schedule, therapists, principals, assistant principals, district administrators, etc.) to engage in consulting activities and to approve or disapprove such requests on the merits of the individual case presented. Such activities will not be permitted to infringe on the contractual obligations of

school employees or affect the educational programs of the school system.

F. TUTORING FOR PAY

Principals and teachers will make every effort to help a student with his/her difficulties at school before recommending that a parent engage a tutor. The board believes that by maintaining a high quality instructional staff and providing for a rich, varied curriculum, the need for individual tutoring is minimized. In those exceptional cases where individual tutoring is recommended and a parent wishes to hire a professional employee to tutor a student, the employee may not tutor students taught by the employee during the present school year. Tutoring for compensation may not occur on school property unless it occurs before or after school hours and must be approved by the principal in writing each school year for each student tutored. Employees may not solicit pupils for tutoring through the school.

G. VIOLATIONS

The superintendent or designee shall ensure that all personnel are aware of the requirements of this policy and applicable conflict of interest laws. Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 6401/9100, Ethics and the Purchasing Function, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees, who violate this policy, policy 6401/9100 or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Legal References: [2 C.F.R. 200.318\(c\)\(1\)](#); [47 C.F.R. 54.503](#); FCC Sixth Report and Order 10- 175; [G.S. 14-234](#), [-234.1](#); [133-32](#), [-33](#); [115C-47\(17a\)](#), [-47\(18\)](#); [133-32](#); Attorney General Opinion requested by L.W. Lamar regarding [G.S. 133-32](#), the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Recruitment and Selection of Personnel (policy 7100), Federal Grant Administration (policy 8305)

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Revised: May 7, 2004, May 5, 2011, May 16, 2013, September 15, 2016, January 19, 2017, 7/18/19

Chapel Hill-Carrboro Schools
