

SCHOOL EMPLOYEE CONFLICT OF INTERESTS

A. Purpose

The State and Local Government Conflict of Interests Act (the Act), applies to public school employees and officials. The Act creates uniform standards of conduct for all public employees and officials. The Act also defines and prohibits inappropriate conflicts of interests and requires disclosure of economic interests in some circumstances. The purpose of this policy is to provide an introduction to the Act for employees. Additional information regarding the Act may be obtained from Policy BBFA, School Board Member Conflict of Interest and from the Virginia Conflict of Interest and Ethics Advisory Council (the Ethics Council) which assists with compliance with the Act.

B. Compliance

Employees of the School Board are required to read and be familiar with the Act. The Superintendent shall provide employees with information regarding how to access the Act and how to contact the Ethics Council.

The Act's provisions are complex and their application is fact-specific. A violation of the Act could result in civil or criminal penalties. Therefore, if an employee has any questions whether an interest the employee has in a contract or transaction involving the School Division is prohibited under the Act, the employee should contact the Superintendent's Office or the Ethics Council for assistance.

A violation of the Act is a violation of this policy subject to discipline, including termination.

C. Areas of Regulation

The Act prohibits school employees from having a "personal interest," as that term is defined by the Act, in certain contracts and transactions that involved the Division and from engaging in other specified conduct related to the schools. The prohibited personal interest also may be that of the school employee's immediate family (a spouse or any other person who resides in the same household as the employee and who is a dependent of the employee).

Under the Act, an employee may be considered to have a prohibited conflict arising from:

- a personal interest in a contract;
- a personal interest in a transaction;
- business opportunities tied to official acts;
- misuse of confidential information; or
- receipt or solicitation of certain gifts.

Examples of prohibited conduct include:

- soliciting or accepting money or other thing of value for services performed within the scope of the employee's official duties; the employee's compensation, expenses, or other remuneration paid by the division are excepted;
- using confidential information that the employee has acquired by reason of the employee's public position and which is not available to the public for the employee's own economic benefit or for another person's economic benefit;

- accepting any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence the employee in the performance of the employee's official duties;
- accepting any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in the performance of the employee's official duties;
- entering into contracts with the School Division under certain circumstances;
- accepting a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor; and
- accepting gifts from sources on a basis so frequent as to raise an appearance of the use of the employee's position for private gain.

D. Awards to Employees for Exceptional Service

The Act does not prohibit or apply to the acceptance by a teacher or other employee of the Albemarle County School Board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

E. Advisory Opinions

Employees may seek written opinions regarding application of the Act from the local Commonwealth's Attorney, the County Attorney, or the Ethics Council.

Good faith reliance on a written opinion of the Commonwealth's Attorney or a formal opinion or written informal advice of the Ethics Council made in response to a written request for such opinion or advice regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice, bars prosecution for a knowing violation of the Act provided the opinion or advice was made after a full disclosure of the facts. If the employee relies on a written opinion given by the Commonwealth's Attorney in a prosecution for a knowing violation of the Act, the record of the request and the written informal advice given shall be a public record and released upon request.

A written opinion of the local County Attorney may be introduced at trial as evidence that the employee did not knowingly violate the Act.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3121, 2.2-3124 and 30-356.

Cross Ref.:	BBFA	School Board Member Conflict of Interest
	DJG	Vendor Relations
	GCCB	Nepotism Employment Relationships
	GCQA	Non-School Employment by Division Employees
	KF	Distribution of Materials by School-Sponsored or Governmental Organizations
	KJ	Advertising in Schools