

	<p>ETHICS</p>	<p>Policy No. 5251 October 12, 2016 Page 1 of 7</p>
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1. Purpose

District officers and employees will demonstrate the values of **integrity** in the performance of the District’s business, **accountability** to the law and to the people we serve, **stewardship** of the District’s resources, and **independence** in the performance of our jobs. District officers and employees have been entrusted with a noble and important task, educating our community’s children, and should strive to live up to the highest ethical standards.

This policy establishes ethical standards of conduct for all District officers and employees, whether elected or appointed, paid or unpaid; and sets forth conduct that is incompatible with such standards. Violations of sections 4 through 9 of this policy subject employees to discipline, and officers to censure by the Board.

2. Summary

- a. **Conflicts of Interest.** All District officers and employees must **disqualify** themselves from participating in District actions in which they have a conflict of interest, and **disclose** when it could appear that they have a conflict of interest.
- b. **Use of Position.** District employees and officers may not misuse their positions or District property for private gain.
- c. **Gifts and Gratuities.** District employees and officers generally must not accept gifts or gratuities from people who may have an interest in District actions.
- d. **Confidential Information.** District officers and employees may not use confidential information for private gain.
- e. **Interest in Contracts.** District officers and employees may not have a financial interest in contracts made by those in their chain of command, and must disclose a financial interest in any District contracts.
- f. **Retaliation is Prohibited.** Retaliation or threats of retaliation, both direct and indirect, for communicating with the Ethics Officer are prohibited. Any employee found to have engaged in any such conduct shall be subject to disciplinary action.

3. Definitions

“District action” means (i) a decision, determination, finding, ruling, order, grant, payment, award, license, contract, transaction, sanction, approval or denial, or other similar action, or (ii) any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such matter that the District employee believes, or has reason to believe, is or will be the subject of District action; or is one to which the District is, or will be a party; or is one in which the District has a direct and substantial interest.

“District employee” means the Superintendent or any individual appointed by the Superintendent or his or her designee, who serves under the supervision and authority of the District and the Internal Auditor and staff.

“District officer” means every School Board member.

“Domestic partners” are any two people who (i) are both eighteen years of age or older; (ii) are not married to any persons; (iii) are not related by blood to one another in a manner that would bar their marriage in Washington State; (iv) have a relationship of mutual support, caring, and commitment; and (v) do not have any other domestic partner.

“Family member” means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in law, brother- or sister-in law or first cousin.

“Gift or gratuity” means anything of value, but does not include the following items:

- a. Anything of value that is received as District property and used for District purposes (such as textbooks and classroom supplies);
- b. Payment of enrollment and course fees and reasonable travel expenses related to seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association, or charitable institution;
- c. Discounts available to an individual as a member of an employee group, occupation or similar broad-based group;
- d. A plaque, trophy, desk item, wall memento, or similar item given in recognition of performance, merit, or accomplishment;
- e. Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement;
- f. Reimbursement to the District for enrollment and course fees and reasonable travel expenses incurred by the District in connection with an Employee or Officer’s speech, presentation, or appearance made in an official capacity; provided that the reimbursement is memorialized in a public record.
- g. Campaign contributions which are solicited or received and reported in accordance with applicable law.

“Participate” means to personally and substantially consider, investigate, advise, recommend, approve, disapprove, decide, or take other similar action.

“Person” means any individual, partnership, corporation, association, firm, institution, or other entity, whether or not operated for profit.

“Reasonable travel expenses” are those expenses that either (i) do not exceed the District-established per diem for travel, or (ii) could be paid for with public funds.

4. Conflicts of Interest.

*All District officers and employees must **disqualify** themselves from participating in District actions in which they have a conflict of interest, and **disclose** when it could appear that they have a conflict of interest.*

A District officer or employee may not:

- a. Participate in a District action in which any of the following has a financial interest:
 - i. the District officer or employee;
 - ii. a family member of the District officer or employee;
 - iii. an individual residing with the District officer or employee;
 - iv. a person the District officer or employee serves as an officer, director, trustee, partner or employee;
 - v. a person with which the District officer or employee is seeking or has an arrangement concerning future employment.
- b. Participate in a District action in which a person that employed the District officer or employee in the preceding 12 months, or retained the District officer or employee or his or her firm or partnership in the preceding 12 months, has a financial interest; provided, however, that the Ethics Officer shall waive this section when: (i) the Superintendent or his or her designee makes a written determination that there is a compelling need for the District officer or employee to participate in a District action involving a prior employer or client, and submits that determination with a written plan showing how he or she will safeguard the District’s interests, and (ii) the Ethics Officer determines that the plan is satisfactory.
- c. Participate in a District action when it could appear to a reasonable person, having knowledge of the relevant circumstances, that the District officer or employee’s judgment is impaired because of either (i) a personal or business relationship not covered under subsection a or b above, or (ii) a transaction or activity engaged in by the District officer or employee. This section c shall not apply if the employee or officer has, before participating, fully disclosed in writing the circumstances to the Superintendent and the Ethics Officer. The Superintendent, upon receiving a written disclosure from a District employee, may disqualify the

employee from participating in the action.

This section shall not apply if the financial interest is shared with more than ten percent of the District's student population or workforce, or if the financial interest exists solely because of the District officer or employee's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

A District officer or employee who recuses himself or herself from participating in a district action in accordance with this section should notify the Ethics Officer in writing of his or her decision to do so as soon as possible.

5. Misuse of Position

To promote public confidence, District employees and officers may not misuse their positions or District property for private gain.

A District officer or employee may not:

- a. Use or attempt to use his or her official position for a purpose that is, or would to a reasonable person appear to be, primarily for the private benefit of the District officer or employee or any other person, rather than primarily for the benefit of the District;
- b. Use or attempt to use, or permit the use of any District funds, property, equipment, or personnel, for a purpose which is, or to a reasonable person would appear to be, for other than a District purpose. However, employees may make limited use of District equipment or facilities for personal purposes if there is a negligible cost to the District and if the use does not interfere with the employee's official duties or with another employee's performance of official duties. Examples of acceptable personal uses are (i) limited use of telephones for personal calls; (ii) limited use of computers; (iii) limited use of e-mail; and (iv) limited use of copiers. District employees may not use District vehicles, tools or similar equipment for personal use.
- c. Except in the course of official duties, assist any person in any District action in which that person has a financial interest. This subsection c shall not apply to any District officer or employee appearing on his or her own behalf in any District action, or on behalf of any business entity solely owned by the District officer or employee, if not otherwise prohibited by this or any other District policy;
- d. Influence or attempt to influence a District decision to contract with, or the conduct of District business with, a person in which any of the following has a financial interest:
 - i. the District officer or employee;
 - ii. a family member of the District officer or employee;
 - iii. an individual residing with the District officer or employee;
 - iv. a person the District officer or employee serves as an officer, director, trustee, partner or employee;

- v. a person with which the District officer or employee is seeking or has an arrangement concerning future employment.
- e. Receive compensation from any person seeking to or providing goods or services to the District, without the written consent of the Superintendent or his or her designee, if the District employee participates in the acquisition of such goods and services by the District.
- f. Sell goods or services to a student or their family, when the student is currently in the employee's class or under their direction or control for a district sponsored activity, unless written approval is obtained from the Superintendent or his or her designee. Services include, but are not limited to, private tutoring and private academic, music, band, art, and athletic instruction. This paragraph does not apply to before or after school enrichment activities or other programs made available to all students in the building, when those activities are approved by the building principal.
- g. Sell instructional or training materials and/or equipment developed on District time or District property without the written consent of the Superintendent or her designee.

6. Gifts and Gratuities

To promote public confidence, District employees and officers generally must not accept gifts or gratuities from people who may have an interest in District actions.

A District employee or officer may not solicit or receive any gift or gratuity from any person if the intent is, or would to a reasonable person appear to be, to seek or obtain special consideration or influence in any District action in which the employee or officer participates.

The following are examples of situations in which a reasonable person would not normally conclude a gift was given or received with the intent to influence an employee's or officer's actions:

- a. a gift from a member of an employee's school community or an individual coworker valued at no more than \$50, or no more than \$100 in aggregate in gifts from any one person in any one school year.
- b. a collective gift from an employee's school community or coworkers given in recognition of infrequently occurring occasions of personal significance such as marriage, illness, the birth or adoption of a child, retirement or transfer away from a school, or the end of the school year, provided that no individual employee, or student, or his or her family may contribute more than \$50 to any individual gift.

It shall not be a violation of this section for a District employee who participates in the District's acquisition of goods or services to accept from a person or firm seeking to or providing such goods or services the following:

- a. Advertising or promotional items of nominal value.

- b. Informational material, publications, or subscriptions related to the recipient's performance of official duties.
- c. Food and beverages consumed at hosted receptions or hosted meals where attendance is related to the recipient's performance of official duties.

7. Disclosure of Confidential Information

District officers and employees may not use confidential information for private gain.

A District officer or employee may not disclose or use any confidential information gained by reason of his or her official position, including but not limited to student records, personal employee information, property appraisals, and business information the disclosure of which would put the District at a competitive disadvantage, for other than a District purpose.

“Confidential Information” means (i) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, or (ii) information made confidential by law.

8. Interest in Contracts

District officers and employees may not have a financial interest in contracts made by those in their chain of command, and must disclose a financial interest in any District contracts.

A District officer or employee shall disclose any financial interest, direct or indirect, held personally or through a family member, in any contract to which the District may be a party, to the Superintendent or his or her designee prior to the formation of the contract; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.

In addition to the requirements of the foregoing paragraph, a District officer or employee may not hold or acquire a financial or beneficial interest, direct or indirect, personally or through a family member, in any contract which, in whole or in part, is made by, through, or under the supervision of the District officer or employee, or which is made by or through a person supervised, directly or indirectly, by the District officer or employee; or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person or entity beneficially interested in the contract.

9. Retaliation Prohibited

In addition to the protections for whistleblowers under the district's whistleblower policy, retaliation or threats of retaliation, both direct and indirect, for communicating with the Ethics Officer, with any member of the Ethics

Officer's staff, or with anyone retained by the Ethics Officer, are prohibited. Any employee found to have engaged in any such conduct shall be subject to disciplinary action.

10. Ethics Officer's Responsibilities

The Superintendent shall designate a District Ethics Officer, who shall be responsible for administering this policy. The Ethics Officer may appoint internal or outside investigators and/or attorneys to assist in performing his or her responsibilities.

11. Complaints and Advisory Opinions

Any District employee or a person in a transaction involving the District may request an advisory opinion from the Ethics Officer. All requests for advisory opinions must be submitted in writing to the Ethics Officer. The Ethics Officer shall make a good-faith effort to respond in writing to all requests for an advisory opinion in a timely fashion or within thirty days after receiving the request.

Any person may file a complaint with the Ethics Officer alleging violations of paragraphs 4 through 9 of this Policy. The Ethics Officer (or his or her appointee) shall conduct an investigation when there is reason to believe that a violation of paragraphs 4 through 9 may have occurred. The Ethics Officer shall prepare a report of his or her factual findings and conclusions at the close of an investigation, and shall deliver that report to the Superintendent or his or her designee, with a copy to the complainant.

12. Annual Report

The Ethics Officer shall submit an annual report to the School Board within 90 days of the fiscal year end summarizing the number and type of contacts received by the Ethics Officer, the percentage of contacts submitted anonymously, and the status of the ethics training program.

Adopted: January 2012

Revised: October 2016

Cross Reference: Policy No, 5250, Superintendent Procedure 5250SP

Related Superintendent Procedure:

Previous Policies: F09.00; F09.01; F11.00; F11.01

Legal References: RCW 42.23

Management Resources: