

## **Code Of Conduct/Conflict Of Interest**

### Philosophy

The proper operation of democratic government requires that public trustees, officials and employees be independent, impartial and responsible to the residents of the community; that policies and decisions be made within the legal and ethical guidelines dictated by government code and public expectation for appropriate behavior, that public office or employment not be used for personal gain; and that the public is entitled to confidence in the integrity of its government.

It is the responsibility of each trustee, official and employee of the district to help earn that confidence by his/her own integrity and conduct. Each trustee, official and employee is responsible for both the actual and perceived conflicts of interest and incompatible activities that may arise as a result of his/her actions.

The law is the absolute minimum to which elected and appointed members of the Governing Board and employees are expected to abide. The Code of Conduct/Conflict of Interest Policy of this district demands ethics and behavior which go beyond the minimum requirements of the law.

### General Obligations

Except as provided by law, no trustee, official and/or employee may participate, at any state, in any activity or transaction involving the district which might provide personal financial benefit to that individual. Subject to and in accordance with this directive, trustees, officials and/or employees are prohibited from engaging in the following activities:

1. Participating in decisions, or making any recommendation on decisions which would, or could, reasonably be perceived to offer the potential for personal financial gain.
2. Accepting gifts, gratuities, or favors which might reasonably be interpreted as an attempt to influence their actions in the conduct of district business.
3. Accepting money or other considerations, from other than the district, for the performance of duties expected in the normal course of fulfilling the responsibilities of service or employment with the district.
4. Being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.
5. Being purchasers at any sale, or vendors of any purchase, made by them in their official capacity.
6. Promoting or selling, on district property, during the individual's duty hours, of products or services in which he/she has financial interest.
7. Using for personal gain confidential information acquired by, or available to, them in the course of their duties.
8. Divulging confidential information acquired during a closed session of the Board.

9. Using district time, facilities, name, equipment, or supplies for personal gain or advantage or improper political use.
10. Exerting legal authority except when supporting policies and decisions made by the majority of the Board.
11. Engaging in employment or activities which are incompatible with, or in conflict with, the proper discharge of their employment or duties.
12. Accepting remuneration for tutoring a student who is enrolled in the faculty member's classes, or acceptance of remuneration for tutoring using district facilities or equipment.
13. Selling or marketing materials, developed wholly or partially during the regular duty day, and/or using district equipment, without contractual agreements arrived at prior to the development of such materials.
14. Failing to disclose potentially compromising situations which could violate any one or all of the guidelines provided herein.
15. Failing to disqualify themselves from decisions in which they have a personal financial interest or the potential for personal financial gain.

#### Materials, Equipment and Services Selection Procedures

Involvement of all personnel in the evaluation and selection of materials, equipment and/or services, both instructional and otherwise, supporting the operation of the district, shall be encouraged. However, since the selection of materials and services must be done in an atmosphere of objectivity, the Board emphasizes the following:

Personnel participating in any action or transaction relative to the selection of materials, equipment and/or services, including participation on a committee making recommendations for adoption or selection of materials, equipment and/or services, or a committee evaluating materials, equipment and/or services, leading directly to adoption or selection, shall not:

1. Be employed by any person, firm or organization submitting material, equipment and/or services to the district for consideration.
2. Have or negotiate a contractual relationship with any such person, firm or organization.
3. Receive any compensation from any such person, firm or organization or any of its subsidiaries or controlling entities.
4. Have a financial interest in any materials, equipment, and/or services submitted to the district for selection by the committee on which the individual serves.
5. Discuss any proposal for materials, equipment and/or services which has been or is likely to be submitted to the district with the person, entity or representative submitting it, except in a meeting scheduled and authorized by the Board or in a scheduled meeting of a quorum of the committee studying the materials.

Individuals shall not be disqualified from serving on selection or evaluation committees, if the relationship they hold with the provider of the materials, equipment and/or services is:

1. That of a nonsalaried officer of a nonprofit organization, and the interest is disclosed to that committee and noted in the minutes or record of the committee.
2. That of an employee or agent of a public entity or institution of higher education, provided the entity or institution has 10 or more other employees or agents and the individual has been an employee or agent thereof for at least three years before serving on the committee, and the interest is disclosed to the committee, noted in the minutes or record of the committee, and the individual abstains from voting on the issue.
3. That of an editor, consultant, contributor or author of a textbook or other materials, equipment and/or services for the vendor under consideration provided that such service was performed before serving on the committee and the individual retains no rights to compensation accruing while he/she serves on the committee, or received no compensation for two years prior to serving on the committee, and the interest is disclosed to the committee, noted in the minutes or record of the committee, and the individual abstains from voting on the issue.

#### Definitions

The definitions included below provided general guidelines to the interpretation of some of the terms incorporated within this policy. They are not intended to replace or supersede the definitions applicable to individuals holding designated positions required to file a "Statement of Economic Interest Form" in accordance with Government Code 87500.

1. Personal Benefit or Gain - Benefit or gain are defined as anything which would, or which foreseeably could, add to the value of property, investments, financial holdings of the trustee, officer or employee or his/her spouse or minor child. Gifts are considered benefits.
2. Gifts, Gratuities and Favors - Anything of value, for which equal or greater value is not provided, from individuals or companies which supply equipment, materials and/or services of the type required in the operation of the district's programs. This does not prohibit the acceptance of materials and/or services which are of use and benefit to the district. In general, any item worth more than \$25 should be considered a gift. A gift does not include token items such as key chains, calendars, coffee mugs, etc., with a company logo.
3. Participation in any Action or Transaction
  - a. Signing a requisition, job order, contract request or other document initiating any district financial action.
  - b. Participating and/or voting as a member of a recommending committee.
  - c. Writing or helping to write specifications for equipment, materials, services, construction of facilities or alteration of facilities.

#### Violations

Trustees or employees who violate the provisions of this policy, including "Conflict of Interest" disclosing and disqualifying requirements identified above, adopted pursuant to the provisions of Government Code 87300, are subject to disciplinary measures up to and including termination of employment or office, loss of credential and/or prosecution, subject to statutory limitations.

#### Conflict of Interest Code

In addition to, and supportive of, the provisions of this policy, the district Code of Conduct/Conflict of Interest policy shall comprise the terms of the California Code of Regulations, Title 2, 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, together with attachments specifying designated positions and disclosure categories.

Each Board member and persons holding a designated position, as identified in Appendix A, shall adhere to the district Code of Conduct/Conflict of Interest Code adopted pursuant to the provisions of Government Code 87300. Annual Statements of Economic Interest shall be filed with the school district's designated filing officer. In the case of statements of the Superintendent or designee, the district's designated filing officer. In the case of statements of the Superintendent or designee, the district shall make and retain a copy and forward the original to the County Superintendent of Schools. The designated filing officer for the district is the District General Counsel and the filing location is the Fresno Unified School District, Education Center, Tulare and M Streets, Fresno, California 93721.

Copies of the appropriate regulations are available for review in the office of the district filing officer.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 1325 - Advertising and Promotion)

(cf. 1330 - Use of School Facilities)

(cf. 4000 - Concepts and Roles in Personnel)

(cf. 4040 - Code of Conduct/Conflict of Interest)

(cf. 4112.8/4212.8/4312.8 - Nepotism; Employment of Relatives)

(cf. 4117.4 - Dismissal)

(cf. 4118/4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Code of Ethics)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

(cf. 4133.1 - Travel Reimbursement)

(cf. 4135/4235/4335 - Soliciting and Selling)

(cf. 4137 - Tutoring)

(cf. 5125 - Student Records; Confidentiality)

(cf. 6144 - Controversial Issue)

(cf. 9321 - Closed Sessions)

Legal Reference:

#### EDUCATION CODE

7050 Political activities of school officers and employees

32360 Copyrights; use of funds

32361 Copyrights; use of employee work time

35010 Control of district; prescription and enforcement of rules

35020 Control of district; prescription and enforcement of rules

35020 Duties of employees fixed by governing board

35035 Powers and duties of superintendent

35170 Authority to secure copyrights

35174 Urging the passage or defeat of schools measures

35182 Marketing or licensing noneducational mainframe electronic data processing software

38130-38138 Use of school property for public purposes

44031 Personnel file contents and inspection

44932 Grounds for dismissal

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49078 Pupil records

51520 Prohibited solicitations on school premises

60070-60076 Prohibited acts

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1098 Public officials and employees: confidential information

1125-1129 Incompatible activities

3540 et seq. Meeting and negotiating in public employment

6252 et seq. Inspection of public records

54957 Closed session; purposes for holding; definition of "employee" exclusion of witnesses

82028 Definition of "Gifts"

82030 Definition of "Income"

82033 Definition of "Interest in real property"

87100-87103.5 Conflicts of interest

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

91000-91015 Enforcement

CODE OF REGULATIONS, TITLE 2

18100 et seq. Regulations of the Fair Political Practices Commission

LABOR CODE

1102.5 Employees; disclosure of information

2770-2772 Inventions made by an employee

FEDERAL COPYRIGHT LAW

17 U.S.C., 201 and 201(a)

APPENDIX A

Designated Positions

1. Persons occupying the following positions are designated because they make or participate in making decisions which may foreseeably have a material effect on their financial interests. Therefore, they must disclose their financial interests as defined in Category 1, Appendix B.

Governing Board Members

Superintendent of Schools

Chief Business Official/Chief Financial Officer

Associate Superintendent

Administrator

Assistant Superintendent

Executive Director

General Counsel

Buyer I, II, III

Director

Internal Auditor

Member of the Audit Committee

Principal I, II, III, IV

Purchasing Technician

Purchasing Manager

Consultant\*

\*The Superintendent may determine in writing that a particular consultant, although in a designated position, is hired to perform a limited range of duties and thus not required to fully comply with disclosure requirements. Each consultant's contract shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description.

2. Persons occupying the following positions are designated because, in a narrower scope than the positions identified in Category 1, they make or participate in making decisions which may foreseeably have a material effect on financial interests, and must disclose financial interests defined in Category 2, Appendix B.

District Coordinators

APPENDIX B

## Disclosure Categories

### CATEGORY 1

Designated persons in this category must report:

1. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

2. Investments or business positions in or income from sources which:

a. are engaged in the acquisition or disposal of real property within the district.

b. are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or

c. manufacture or sell supplies, books, machinery or equipment of the type used by the district.

### CATEGORY 2

Designated persons in this category must report:

1. Investments or business positions in or income from sources which:

a. are contractors or subcontractors engaged in work or services of the type used by the district and for which the person has discretionary authority during the selection or procurement process, or

b. manufacture or sell supplies, books, machinery, or equipment of the type used by the district and for which the person has discretionary authority during the selection or procurement process.

## Policy FRESNO UNIFIED SCHOOL DISTRICT

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