

## Policy GBEA Staff Ethics/Conflicts of Interest/Nepotism

Issued ~~6/13~~ 00/21

~~Purpose: To establish the basic structure for ethical conduct and the avoidance of conflicts of interest on the part of the district staff.~~

Staff members will not engage in any activity that conflicts or raises a reasonable question of conflict while fulfilling the duties of their position and their responsibilities in the district.

No employee of the board will engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the district.

No employee will engage in work of any type where information concerning a customer, client, or employer originates from any information available to him/her through school sources.

No employee will sell items (including, but not limited to, instructional supplies, equipment, or reference books) in the attendance area served by his/her school district nor will the employee furnish the names of students or parents/legal guardians to anyone selling these materials.

A public school employee is under the jurisdiction of the "Ethical Conduct of Public Officials and Employees," [Section 8-13-700](#), *et. seq.* of the South Carolina Code of Laws. A public school employee is also subject to the rules of conduct of the statute.

The superintendent, chief operating officer, chief financial officer, and the director of procurement services must file an annual statement of economic interest with the State Ethics Commission ([Section 8-13-1110](#)). He/She must report anything of value accepted that is worth more than \$25 or anything he/she accepts that is worth \$200 or more in the aggregate in the calendar year if the item of value was given because of the position held.

The superintendent and the superintendent's cabinet must complete a conflict of interest form by July 1 of each year.

The superintendent will not approve any action which has the effect of circumventing this policy. The superintendent will inform the board of school commissioners of any existing or potential conflict of interest as soon as such a situation becomes known.

### Nepotism

S.C. Code Ann. [Section 8-13-750](#) of the South Carolina Ethics Act provides that no board member or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a position in the district. Similarly, no board member or public member may participate in any action related to the discipline of the board member's or public employee's family member.

No family member of a board member or the superintendent may be employed without the written consent of the board of school commissioners. For the purposes of this policy, "family member" is defined as the following by affinity (birth) or consanguinity (marriage) or living in the same household.

- spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, or any individual claimed by a board member or the board member's spouse as a dependent for income tax purposes

In no instance will a family member be assigned to or supervised by a member of his/her immediate family except for written permission from the board of school commissioners. This applies to promotions, demotions, transfers, reinstatements, and new appointments. Two members of an immediate family will not be employed and assigned in the same administrative department at the same time without written permission from the superintendent. The board authorizes the superintendent to revoke approval should a problem arise.

If a board member, superintendent, or employee has a conflict of interest or perceived conflict of interest, then he/she is required to immediately notify, in writing, the superintendent or chairman of the board of school commissioners.

### State ethics law

A public school employee is under the jurisdiction of the "Ethical Conduct of Public Officials and Employees," [Section 8-13-700](#), *et. seq.*, South Carolina Code of Laws, and is subject to the rules of conduct of the statute. Such rules include the following.

A public employee may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive or agree to receive anything of value for him/herself or for another person in return for the following.

- being influenced in the discharge of his/her official responsibilities
- being influenced to commit, aid in committing, collude in, allow fraud or make an opportunity for the commission of fraud on a governmental entity

- being induced to perform or fail to perform an act in violation of his/her official responsibility

"Anything of value" is anything tangible or intangible including money, promises of employment, gifts, honorarium, food, transportation and entertainment. The following items are excluded.

- printed informational or promotional material, not to exceed \$10 in monetary value
- items of nominal value, not to exceed \$10, containing or displaying promotional materials
- a personalized plaque or trophy with a value that does not exceed \$150
- educational material of nominal value directly related to the public employee's official responsibilities
- an honorary degree bestowed upon a public employee by a public or private university or college
- promotional or marketing items offered to the general public on the same terms as the public employee

A public employee acting in an official capacity may not receive anything of value for speaking before a private or public group. An employee may accept a meal if everyone else gets the same meal and may receive reimbursement for actual expenses, if the expenses are reasonable as to time and manner.

A public employee may not use his/her position to obtain an economic interest for him/herself, a member of his/her immediate family or an individual or business associate. If the employee is required to make a decision or take an action which benefits the aforementioned, he/she must submit a written statement to the superintendent describing the matter and the nature of the potential conflict of interest. The superintendent or his designee may assign the matter to another employee.

A public employee may not use public materials, personnel, equipment or confidential information to obtain an economic interest. He/She may not receive money in addition to normal compensation for advice or assistance given in the course of employment.

A public employee may not cause the employment, promotion or advancement of a family member to a position he/she supervises, nor participate in a disciplinary action of a family member.

A public employee who participates directly in procurement cannot resign and accept employment with a person contracting with the school district if the contract falls or would fall under the departing employee's responsibilities.

A public employee may not use governmental personnel, equipment or materials in an election campaign.

A public employee may not serve as a member or employee of a government regulatory commission that regulates any business with which the employee is associated.

A public employee may not represent another person before a governmental entity.

In cases where an employee is required to take action or make a decision which benefits him/her, a member of his/her immediate family or an individual or business associate, the employee will take such steps as the ethics commission will prescribe to remove him/herself from the potential conflict of interest.

Adopted 8/25/98; Revised 6/11/13; 00/00/21

Legal references:

S.C. Code, 1976, as amended:

[Section8-13-700](#), *et seq.* - State ethics law.

[Section59-15-10](#) - No employee may serve on the county board of education.

[Section59-19-300](#) - A board member may not receive pay as a teacher in same district where he/she serves on the board of trustees.

[Section59-31-590](#) - A teacher may not have pecuniary interest in textbook selection.

**Richland County School District One**