

Book	Policy Manual
Section	110 - Board of Education: Board Ethics
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Legal	Annotated Code of Maryland, General Provisions Article §5-815 through §5-820
Cross References	State Government Article 15 - Public Ethics
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I. Applicability and Definitions:

A. This policy applies to members of the Board of Education, candidates to be members of the Board of Education, members of the Ethics Panel, and the following school officials or employees of the Dorchester County Public Schools (DCPS): Superintendent, Directors, Supervisors, Human Resources Administrator, Principals, and Assistant Principals. In addition, Section III (Conflict of Interest) of this policy shall also apply to all DCPS employees.

B. In this policy, the following terms have the meanings indicated:

1. "Gift"

- (i) The transfer of any service or thing of economic value regardless of form without adequate and lawful consideration; and
- (ii) Does not include a political campaign contribution regulated under the Elections Article, Annotated Code of Maryland.

2. "Official"

(i.) Includes a member of the Board of Education, members of the Ethics Panel and the following DCPS school officials or employees: Superintendent, Directors, Supervisors, Human Resource Administrator, Principals, and Assistant Principals. In addition, Section

III (Conflicts of Interest) of this policy shall also apply to all DCPS employees.

3. "Employee"

(i) Includes any person working for DCPS for wages on a full or part-time, permanent, or temporary basis, who is, or will be, issued an I.R.S. W-2 statement of earnings form for income tax purposes at the end of the year.

4. "Quasi-governmental Entity"

(i) An entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.

II. Ethics Panel

A. There is a DCPS Ethics Panel that consists of five (5) members appointed by the Board of Education for a four (4) year term. There shall be one (1) Ethics Panel member for each one (1) of the five (5) councilmanic districts. The term of each Ethics Panel member shall correspond to the term of the Board member from whose councilmanic district the Ethics Panel member resides and remain active until replaced.

B. The Ethics Panel shall:

- (1) Devise, receive, and maintain all forms required by this chapter;
- (2) Provide advisory opinions to persons subject to this chapter regarding the applicability of these provisions to them;
- (3) Process and make determinations regarding complaints alleging violations of this chapter;
- (4) Refer findings regarding complaints and other enforcement matters to the Board of Education for action, and;
- (5) Conduct an information program regarding the purposes and application of this chapter.

III. Conflicts of Interest

A. Section III (conflicts of Interest) of this policy applies to all DCPS employees and officials in addition to members of the Board of Education, members of the Ethics Panel, Superintendent, Directors, Supervisors, Human Resource Administrator, Principals, and Assistant Principals.

B. In this section, "qualified relative" means a spouse, parent, child, or sibling.

C. Participation

(1) Except as permitted by Board of Education regulations or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:

(i) Any matter in which any of the following is a party:

(a). A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know:

(b.) A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;

- (c.) A business entity with which the official, or to the knowledge of the official, a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;
- (d.) A business entity that is a party to an existing contract with the school official or which, to the knowledge of the official, a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board of Education duties of the official;
- (e.) An entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
- (f.) A business entity that:
 - 1. The official knows is a creditor or obligee of the official or a qualified relative of the official with respect to a thing of economic value, and;
 - 2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.

(2) An official who is disqualified from participating under paragraph one (1) if this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

- (a.) The disqualification leaves a body with less than a quorum capable of acting;
- (b.) The disqualified official is required by law to act, or;
- (c.) The disqualified official is the only person authorized to act.

D. Employment and Financial Interests

(1) Except as permitted by regulation of the Board of Education when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official may not:

- (i.) Be employed by or have a financial interest in an entity that is:
 - (a.) Subject to the authority of the school system or Board of Education;
 - (b.) Negotiating or has entered a contract with the school system or Board of Education, or;
 - (c.) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official.

(2) This prohibition does not apply to:

- (i.) An official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with regulations adopted by the Board of Education, or;
- (ii.) Subject to other provisions of regulation and law, a member of the Board of Education in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment was disclosed on the financial disclosure statement filed

with the certificate of candidacy to be a candidate to be a member of the Board;

(iii.) Employment or financial interests allowed by opinion of the Panel if the employment or financial interest is disclosed and does not create a conflict of interest or the appearance of a conflict of interest.

E. Post-employment

(1) A former official may not assist or represent any party other than the Board of Education or system for compensation in a case, contract, or other specific matter involving the Board of Education or the school system if that matter is one in which the former official significantly participated as an official.

F. Contingent Compensation

(1) Except in a juridical or quasi-judicial proceeding, an official may not assist or represent a party for contingent compensation in any matter before or involving the Board of Education or the school system.

G. Prestige of Office

(1) An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.

(2) The subsection does not prohibit the performance of usual and customary constituent services by a member of the Board of Education without additional compensation.

H. Gifts

(1) An official may not solicit any gift.

(2) An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.

(3) An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:

(i) Is doing business with or seeking to do business with the school system or Board unit with which the official is affiliated;

(ii) Is subject to the authority of the school system or Board of Education;

(iii) Is a regulated lobbyist with respect to matters within the jurisdiction of the official, or;

(iv) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the official.

(v) An official may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics policy.

(4) Notwithstanding paragraph three (3) of this subsection, an official may accept:

(i) Meals and beverages consumed in the presence of the donor or sponsoring entity;

(ii) Ceremonial gifts or awards that have insignificant monetary value;

(iii) Unsolicited gifts of nominal value that do not exceed twenty dollars (\$20.00) in cost or trivial items of informational value;

- (iv) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official at a meeting which is given in return for the participation of the official in a panel or speaking engagement at the meeting;
 - (v) Gifts of tickets or free admission extended to members of the Board of Education to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the Board of Education;
 - (vi) A specific gift or class of gifts which the Panel exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system or Board of Education and that gift is purely personal and private in nature;
 - (vii) Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official, or;
 - (viii) An honorarium for speaking to or participating in a meeting provided that the offering of the honorarium is in no way related to the school system or Board position of the official.
- (5) Gifts described in paragraph four (4) do not apply to a gift:
- (i) That would tend to impair the impartiality and independence of judgment of the official receiving the gift;
 - (ii) Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official, or;
 - (iii) Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.

I. Disclosure of Confidential Information

- (1) Other than in the discharge of their official duties, an official or former official may not disclose or use confidential information that the official acquired by reason of the official's public position or former public position and that is not available to the public for the economic benefit of the official or employee or that of another person.

J. Procurement

- (1) An individual or person that employs an individual who assists a school system or Board of Education in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposals for the procurement;
- (2) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.

IV. Financial Disclosure:

- A. This section applies to all members of the Board of Education and candidates to be members of the Board of Education. This section does not apply to other DCPS officials or employees.

B. Except as provided in subsection D of this section, a member of the Board or candidate to be a member of the Board shall file the financial disclosure statement required under this subsection:

- (1) On a form provided by the Panel;
- (2) Under oath or affirmation, and;
- (3) With the office designated by the Panel.

C. Deadlines for Filing Statements

- (1) An incumbent official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
- (2) An official who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
- (3) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover;
 - (i) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year had already been filed by the individual, and;
 - (ii) The portion of the current calendar year during which the individual held the office.

D. Candidates to be Members of the Board of Education

- (1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be a member of the Board of Education shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) A candidate to be a member of the Board of Education shall file a statement required under this section:
 - (i) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - (ii) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy, and;
 - (iii) In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be a member of the Board of Education:
 - (i) May file the statement required under this policy with the Board of Education Supervisors with the certificate of candidacy or with the Panel prior to filing the certificate of candidacy, and;
 - (ii) Shall file the statements required under this policy with the office designated by the Panel.
- (4) If a candidate fails to file a statement required by this policy after written notice is provided by the Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
- (5) The Board of Elections Supervisors may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.

(6) Within 30 days of the receipt of a statement required under this section, the Board of Election Supervisor shall forward the statement to the Panel, or the office designated by the Panel.

E. Public Record

(1) The Office of the Superintendent shall maintain all financial disclosure statements filed under this section.

(2) The Office of the Superintendent shall make financial disclosure statements available during normal office hours, for examination by those members of the public who appear in person in the Office of the Superintendent subject to reasonable fees and administrative procedures established by the Board.

(3) If an individual examines the financial disclosure statement, the Office of the Superintendent shall record:

(i) The name and home address of the individual reviewing the statement, and:

(ii) The name of the person whose financial disclosure statement was examined.

(4) The individual whose financial disclosure statement was examined shall be provided with a copy of the name and home address of the person who reviewed the individual's financial disclosure statement and the party who examines the financial disclosure statement shall be advised of this rule.

(5) The Office of the Superintendent or designee shall not provide public access to information related to consideration received from

(i) The University of Maryland Medical System;

(ii) A governmental entity of the State or local government in the state; or

(iii) A quasi-governmental entity of the State or local government in the state.

F. Retention Requirements

(1) The Office of the Superintendent shall retain financial disclosure statements for four (4) years from the date of receipt after which they will be destroyed.

G. Contents of Statement

(1) Interests in real property

(i) A statement filed under this section shall include a schedule of all interests in real property wherever located.

(ii) For each interest in real property, the schedule shall include:

(a) The nature of the property and the location by street address, mailing address, or legal description of the property;

(b) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

(c) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

(d) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by

purchase, the fair market value of the interest at the time acquired

(e) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred, and;

(f) The identity of any other person with an interest in the property.

(2) Interests in Corporations and Partnerships

(i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the school system or Board of Education.

(ii) For each interest reported under this paragraph, the schedule shall include:

(a) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

(b) The nature and amount of the interest held, including any conditions and encumbrances on the interest;

(c) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred, and;

(d) With respect to any interest acquired during the reporting period:

(1) The date when, the manner in which, and the identity of the person from whom the interest was acquired, and;

(2) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii) (b) of this paragraph by reporting, instead of a dollar amount:

(a) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held, or;

(b) For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with the school system or Board of Education

(i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the school

system or Board of Education other than interests reported under paragraph (2) of this subsection.

(ii) For each interest reported under this paragraph, the schedule shall include:

- (a) The name and address of the principal office of the business entity;
- (b) The nature and amount of the interest held, including any conditions to and encumbrances of the interest;
- (c) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred, and;
- (d) With respect to any interest acquired during the reporting period:
 - (1) The date when, the manner in which, and the identity of the person from whom the interest was acquired, and;
 - (2) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts

(i) A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20.00) in value or a series of gifts totaling one hundred dollars (\$100.00) or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board of Education.

(ii) For each gift reported, the schedule shall include:

- (a) A description of the nature and value of the gift, and;
- (b) The identity of the person from whom, or on behalf of whom directly or indirectly, the gift was received.

(5) Employment with or interests in entities doing business with the school system or Board of Education

(i) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the school system or Board of Education.

(ii) For each position reported under this paragraph, the schedule shall include:

- (a) The name and address of the principal office of the business entity;
- (b) The title and nature of the office, directorship, or salaried employment held and the date it commenced, and;
- (c) The name of each school system or Board unit with which the entity is involved.

- (6) Indebtedness to entities doing business with the school system or Board.
- (i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the school system or Board of Education owed at any time during the reporting period:
 - (a) By the individual, or;
 - (b) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
 - (ii) For each liability reported under this paragraph, the schedule shall include:
 - (a) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - (b) The amount of the liability owed as of the end of the reporting period;
 - (c) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year, and;
 - (d) The security given, if any, for liability;
- (7) Employment with the school system or Board of Education
- (i) A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the school system or Board of Education in any capacity at any time during the reporting period.
- (8) Sources of Earned Income
- (i) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income at any time during the reporting period.
 - (ii) A minor child's employment or business ownership need not be disclosed if the school system or Board of Education does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- (9) Statement
- (i) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
 - (ii) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
- (10) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

(i) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:

(A) The University of Maryland Medical System;

(B) A governmental entity of the State or a local government in the State; or

(C) A quasi-governmental entity of the State or local government in the State.

(ii) For each financial or contractual relationship reported, the schedule shall include:

(A) A description of the relationship;

(B) The subject matter of the relationship; and

(C) The consideration.

H. For the purpose of this policy, the following interests are considered to be the interests of the individual making the statement:

(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

(2) An interest held, at any time during the applicable period, by:

(i) A business entity in which the individual held a 10% or greater interest;

(ii) A business entity described in section (i) of this subsection in which the business entity held a 25% or greater interest;

(iii) A business entity described in section (ii) of this subsection in which the business entity held a 50% or greater interest; and

(iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

(i) The individual held a reversionary interest or was a beneficiary, or;

(ii) If a revocable trust, the individual was a settlor.

(4) An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.

I. The Panel shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omission or deficiencies.

J. The Board of Education may take appropriate enforcement action to ensure compliance with this section.

V. Lobbying

A. A person shall file a lobbying registration statement with the office designated by the Panel if the person:

- (1) Personally appears before any school official or employee with the intent to influence that person in performance of the official duties of the official or employee, and;
- (2) In connection with the intent to influence, expends, or reasonably expects to expend in a given calendar year in excess of five hundred dollars (\$500.00) on food, entertainment, or other gifts for officials, employees or groups of employees of DCPS.

B. A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five (5) days after first performing an act that requires registration in the calendar year.

C. Registration Statement

- (1) The registration statement shall identify:
 - (i) The registrant;
 - (ii) Any other person on whose behalf the registrant acts, and ;
 - (iii) The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.
- (2) The registration statement shall cover a defined registration period not to exceed one (1) calendar year.

D. Within thirty (30) days after the end of a calendar year during which a person was registered under this section, the person shall file a report with the office designated by the Panel disclosing:

- (1) The value, date, and nature of any food, entertainment, or other gift provided to a school official or employee, and;
- (2) If a gift or series of gifts to a single official or employee exceeds twenty dollars (\$20.00) in value, the identity of the official or employee.

E. The office designated by the Panel shall maintain the registrations and reports filed under this section as public records available for public inspection and copying.

F. The individual whose registrations and reports were examined or copied shall be provided with a copy of the name and home address of the person who reviewed the individual's documents.

VII. Exemptions and Modifications

The Ethics Panel or the Board of Education, as appropriate, may grant exemptions and modifications to the provisions of sections (iii) and (V) of this chapter to employees and appointed officials who are not members of the Board of Education when the Panel or Board of Education determines that applications of those provisions are not required to preserve the purposes of this chapter and would:

- A. Constitute an unreasonable invasion of privacy, and;
- B. Significantly reduce the availability of qualified persons for public service.

VIII. Forms

Disclosure Statement, Lobbying Registrations, and all other necessary forms required by this policy shall be those most recently revised and available from the Office of the Superintendent, 700 Glasgow Street, Cambridge, MD 21613.

IX. Sanctions

- A. An official or employee who violates this policy is subject to discipline, personnel action, or removal from office, as provided by law.
- B. A finding of a violation of this policy by the Board is public information.