

P4035 PROFESSIONAL CONFLICTS OF INTEREST

BOARD POLICY:

The rules of professional conflicts of interest for district employees must be observed. Employees are prohibited from engaging in any activity that would constitute a violation of this policy.

Administrative Implemental Procedures:

1. For the purpose of this policy the following terms shall be defined as follows:
 - a) "Substantial Interest" means any of the following:
 - 1) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable share in any business, the individual has an interest in that business.
 - 2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse from any business or combination of businesses, the individual has an interest in that business or combination of businesses.
 - 3) If an individual or an individual's spouse either individually or collectively, has received in the preceding 12 months, goods or services having an aggregate value of \$100 or more from a business or combination of businesses, the individual has an interest in that business or combination of businesses.
 - 4) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has an interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.
 - 5) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has an interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively received an aggregate of \$100 or more in the preceding calendar year.
 - b) "Business" means any corporation, association, partnership, proprietorship, trust, joint venture, and every other business interest, including ownership or use of land for income.
 - c) "Contracts" mean agreements including but not limited to sales and conveyances of real and personal property and agreements for the performance of services.
 - d) "Disclosure of Interest Statement" means a written statement that discloses the interest a person holds.
2. School district employees in their capacity as school district employees shall not make or participate in the making of a contract with any person or businesses by which the school district employee is employed or in whose business the school district employee has an interest. A school district employee does not make or participate in the making of a contract if the employee abstains from any action in regard to the contract. The restriction to not make or participate in contracts does not apply to contracts accepted after competitive bidding has been advertised for by public notice and does not apply to contracts for property for which the price is fixed by law.

3. A school district employee shall not pass or act upon any matter which will affect any business in which the employee holds an interest and such employee shall excuse him/herself from the decision making process.
4. Persons who violate the provisions of this policy shall be subject to disciplinary action up to and including termination of employment.
5. The office of Human Resources will render opinions on the interpretation of this policy. Such opinions are rendered after receipt of a written request. Any person who requests and receives an opinion and who acts in accordance with the provisions of the opinion shall be presumed to have complied with the provisions of this policy. Request for opinions shall be addressed to Human Resources, USD No. 259.
6. Employees of the district, including employees subject to this policy, are also subject to the Public Officers and Employees Act (K.S.A. 75-4301, et seq., as amended). Employees of the district, including employees subject to this act, shall at all times comply with the provisions of the Public Officers and Employees Act. Employees subject to this policy must comply with this policy when this policy contains provisions that are more restrictive than the Public Officers and Employees Act.

Administrative Responsibility: Human Resources

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