INTERNAL BOARD OPERATIONS: Ethics Code

Conflict of Interest – Prohibited Conduct

I. Policy Statement

Members of the Board of Education of Baltimore County (Board), the Superintendent and employees (hereinafter, “School Official”) shall not participate on behalf of the Board or school system in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their immediate family or a business entity with which they are affiliated.

II. Participation

A. Except as permitted by Board policies, or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, a school official may not participate in:

1. Any matter in which, to the knowledge of the school official, the official or a qualifying relative of the official has an interest; or

2. Any matter in which any of the following is a party:
   a. A business entity in which the school official has a direct financial interest of which the official may reasonably be expected to know;
   b. A business entity, including a limited liability company or a limited liability partnership, for which the school official or a qualifying relative of the official is an officer, director, trustee, partner or employee;
   c. A business entity with which the school official or, to the knowledge of the official, a qualifying relative of the official has applied for a position or is negotiating employment 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 qualifying 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 duties of the official;
   e. An entity, doing business with the Board or school system, in which a direct financial interest is owned by another business entity in which the school 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 school official knows is a creditor or obligee of the official or a qualifying relative of the official with respect to a thing of economic value; and
   2) As a creditor or obligee, is in a position to affect directly and substantially the interest of the school official or qualifying relative of the official.

B. A school official who is disqualified from participating under Paragraph II(A) shall disclose the nature and circumstances of the conflict and may participate or act if:
   1. The disqualification leaves the Board or some other Board-appointed body with less than a quorum capable of acting;
   2. The disqualified official is required by law to act; or
   3. The disqualified official is the only person authorized to act.

C. The prohibitions listed above do not apply if participation is allowed by opinion of the Ethics Review Panel.

III. Employment and Financial Interests

A. Except as permitted by Board policies when the interest is disclosed, or when the employment does not create a conflict of interest or appearance of a conflict, a school official may not:
   1. Be employed by or have a financial interest in an entity that is:
      a. Subject to the authority of the Board or school system; or
      b. Negotiating with or has entered into a contract with the Board or school system; or
   2. Hold any other employment relationship that would impair the impartiality or independence of judgment of the school official.

B. The prohibition described above does not apply to:
   1. A school 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 policies adopted by the Board;
   2. Subject to other provisions of regulation and law, a member of the Board in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment:
      a. Was publicly disclosed to the appointing authority and the Ethics Review Panel at the time of appointment; or
b. Was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the school board; or

3. Employment or financial interests allowed by opinion of the Ethics Review Panel if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

IV. Post-Employment

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

V. Contingent Compensation

Except in a judicial or quasi-judicial proceeding, a school official may not assist or represent a party for contingent compensation in any matter before or involving the Board or school system.

VI. Prestige of Office

A. A school official may not intentionally use the prestige of office or public position for private gain of that official or the private gain of another.

B. This Paragraph does not prohibit the performance of usual and customary constituent services by a member of the Board without additional compensation.

VII. Disclosure of Confidential Information

Other than in the discharge of official duties, a school official may not disclose or use confidential information that the official acquired by reason of the official’s position and that is not available to the public for the economic benefit of the official or the economic benefit of another person.

VIII. Political Activity

A. Affirmation of Political Rights
The Board recognizes the rights of school officials to participate in political and governmental affairs in the manner afforded all other citizens: the right to vote, the right to be an active member of a political party, the right to campaign for election to public office and the right to seek, campaign for and serve in public office.

B. Restrictions
1. The political activities of any school official seeking or holding public office or campaigning for a political candidate must be conducted outside the workplace and outside working hours;
2. An official must refrain from exploiting the privilege of his or her position;
3. An official must not involve students in political activities for him or herself or for any party, candidate or political issues which the person is promoting.

C. The following activities are specifically prohibited on property under the jurisdiction of the Board:
1. Posting of political circulars or petitions;
2. The use of any school or office clerical staff, telephones, supplies or equipment.

IX. Royalties/Personal Gain

A. No royalties will be paid to a school official for textbooks, instructional materials or programs written or produced during working hours.

B. No school official will be permitted to use, for commercial purposes, any photographs or information including, but not limited to, test scores and other confidential data.

C. No school employee will be permitted to compile lists of student and/or parent names, addresses, phone numbers or related information available through his or her position for any other person or business entity.

X. Employee Prohibitions

A. An employee may not hold a position that is responsible for a direct chain of supervision for another employee who is a family member as defined in Board Policy 4010, Nepotism.
B. An employee may not use his or her position to benefit an immediate family member.

C. An employee may not privately tutor or offer private educational services to a student the employee currently instructs. (See, Board Policy 4005, Tutoring/Educational Services)

Legal References: Annotated Code of Maryland, General Provisions Article Title 5, Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article §§5-815 to 5-821, Local Boards of Education
COMAR 19A.05, Board of Education Ethics Regulations

Related Policies: Board of Education Policy 0200, Precepts, Beliefs and Values of the Baltimore County Public Schools
Board of Education Policy 4002, Obligations of Employees of the Board of Education of Baltimore County
Board of Education Policy 4005, Tutoring/Educational Services
Board of Education Policy 4008, Data Governance
Board of Education Policy 4010, Nepotism
Board of Education Policy 4100, Employee Conduct and Responsibilities

Policy Board of Education of Baltimore County
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