
AURORA PUBLIC SCHOOLS
Adopted August 1987
Recoded October 1991
Reviewed November 2007
Revised August 2017

APS Code: GBEA

STAFF ETHICS/CONFLICT OF INTEREST

It is the policy of Aurora Public Schools that each employee be free of any investment association or other relationship that could conflict with her/his responsibility to act objectively in matters affecting the District. Where the interests of any employee may be in conflict with those of the District, the District has a right to know. Public confidence in the District is of utmost importance. Therefore, the goal of the District is to ensure that no employee has any dealings, the details of which could not be publicly disclosed without damaging the District or its reputation in the community.

It is important to recognize that even seemingly innocent dealings have the potential to be misinterpreted. The District is determined to avoid not only the fact of impropriety but the appearance of impropriety as well.

Generally speaking, a potential conflict of interest is a relationship or dealing which might tend to influence or appear to tend to influence an employee in discharging her/his duties so that the employees might be tempted to advance interests other than those of the District. However, to present an exhaustive list of actions or interests which could be a "conflict of interest" is beyond the scope of this policy statement. It is important, therefore, that any employee report to her/his supervisor any facts which might involve the slightest possibility of a conflict of interest. Any doubts in an employee's mind as to whether a report should be made to the supervisor should always be resolved in favor of disclosure to the supervisor.

The District recognizes that there could be many borderline conflict of interest situations. The District intends to approach each case objectively, giving appropriate weight to the circumstances. In most instances, full disclosure of the facts by the employee is all that is necessary to enable the District to protect its interests. In other instances, if no improper motivation appears to exist and the District's interests have not suffered, prompt elimination of the conflicting interest will be sufficient. However, it is expected that all employees will inform their supervisor prior to engaging in any activity which might represent a conflict of interest.

Conflicts of interest - federally funded transactions

Separate from state law and the Board's policies concerning district employees' standards of conduct and conflict of interest, federal law imposes restrictions on the conduct of district employees whenever the transaction in question is supported by federal funds subject to the Uniform Grant Guidance (UGG).

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Under the UGG, a district employee shall not participate in the selection, award or administration of a contract supported by a federal award if the employee has a conflict of interest as defined by the UGG.

A conflict of interest arises under the UGG when the employee, any member of his or her immediate family, his or her business partner, or an organization which employs or is about to employ any of the aforementioned parties has a substantial financial or other interest in or would obtain a substantial tangible personal benefit from a firm considered for a contract.

In addition, the UGG prohibits district employees from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties to subcontracts that are federally funded, unless the gift is an unsolicited item of nominal value.

For purposes of this policy section only, “immediate family” means the employee’s spouse, partner in a civil union, children and parents. In determining whether a financial or other interest is “substantial,” or whether anything solicited or accepted for private benefit is of “nominal value,” district employees shall follow the standards of conduct and corresponding definitions applicable to local government employees under state law.

These minimum federal requirements are not waivable in connection with any transaction or contract to which they apply.

An employee who violates the standards of conduct set forth in this policy’s section may be subject to disciplinary action, in accordance with applicable law and Board policy.

LEGAL REFS.: 2 C.F.R. 200.318(c) (*Uniform Grant Guidance – written standards of conduct covering conflicts of interest required concerning the selection, award and administration of contracts supported by federal funds*)
Constitution of Colorado, Article X, Section 13 (*felony to make a profit on public funds*)
C.R.S. 14-15-101 *et seq.* (*Colorado Civil Union Act*)
C.R.S. 22-63-204 (*teachers receiving money for items sold to students/parents without written consent from Board*)
C.R.S. 24-18-109 (*government rules of conduct*)

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C.R.S. 24-18-110 (*voluntary disclosure*)

C.R.S. 24-18-201 (*standards of conduct – interests in contracts*)

C.R.S. 24-18-202 (*standards of conduct – interests in sales*)

C.R.S. 24-34-402 (1) (*discriminatory and unfair employment practices*)

C.R.S. 24-34-402 (1)(h) (*nepotism provisions*)

CROSS REF.:

DKC, Expense Authorization/Reimbursement (Mileage and Travel)

GCE/GCF, Professional Staff Recruiting/Hiring

GCQF, Discipline, Suspension and Dismissal of Administrators and Professional/Technical Employees

GDE/GDF, Classified Staff Recruiting/Hiring

GDQD, Discipline, Suspension and Dismissal of Classified Employees

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Examples of circumstances in which a conflict of interest on any part of an employee might arise include those listed below. Any employee may apply in writing to her/his supervisor for a decision as to whether a particular activity violates this regulation and its related policy. The supervisor shall, after consultation with the head of the division in which the employee and supervisor work, inform the employee of the decision.

1. Holding of a financial interest in a firm, partnership or other business which is a supplier of the District. "Financial interest" means ownership of more than one percent of any class of the outstanding securities of a corporation or an ownership interest of five percent or more of a firm, partnership or other business.
2. Serving as an employee, director, officer or consultant with a supplier or potential supplier of the District or with an agent or person closely related to such a supplier.
3. Receiving from any supplier or potential supplier of the District, or from any agent or person closely related to such a supplier, any gift, entertainment, compensation or financial benefit exceeding \$25.
4. Receiving any compensation, in addition to regular salary and benefits, whether the compensation is financial or otherwise, for the performance of duties with respect to which any employee already receives payment from the District. (This paragraph would ordinarily not prohibit part-time employment where an employee performs services away from the District, so long as the employee is not paid both by the District and by another person or entity for the same work.)
5. Contracting with the District to supply it with services or merchandise where an employee will be supplying the District and will be paid for doing so.
6. A contract being entered into between the District and an immediate family member of any employee to supply the District with merchandise or services.
7. The use of District materials, supplies or resources for any purpose other than primarily for the advancement of the interests of the District.

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8. A teacher instructing, teaching or coaching students assigned to their classes, or students who may be making up a deficiency arising from having formerly been students in their classes, and receiving something of value in return. (This paragraph would ordinarily not prohibit teaching, instructing or coaching at events sponsored by independent organizations [such as summer music and athletic camps] where the primary purpose of the instruction is not the fulfillment of regular course work.)
9. Receipt for personal use of any proceeds from the sale of District property.
10. The purchase of an item of District property by a person who has given the property a "surplus" or similar designation.

The information disclosed by an employee pursuant to this regulation will be shared with no one, other than the one to whom disclosure was made, except when such persons have a legitimate need to know or where necessary to protect the District's interests, to determine whether a conflict exists or decide on an appropriate course of action.

The prohibition (referred to previously in number five above against an employee supplying the District with goods or services may be waived only where the following conditions are met:

1. The District would pay less for the goods or services it would receive from the employee than it would if it were to be supplied by one outside the District.
2. The fact that the District would save money by contracting with the employee rather than an outsider must be verified. This verification may be either by formal bidding or by quotes from at least two outsiders who are asked to estimate the cost at which they would supply the goods or services to the District. If the employee would receive any advantage by virtue of being a District employee (for example, by being allowed to use District equipment in fulfilling the contract) that advantage should be taken into account in comparing the bids or quotes.
3. The employee must first submit a proposal to her/his supervisor stating the nature of the

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goods and services that s/he would supply to the District, the price s/he would charge, the date by which the work would be completed and anything else that s/he believes is pertinent to the matter or that is then or later required by the division head.

4. The head of the division in which the employee works must approve of the arrangement and recommend to the Superintendent or designee that it be approved. The recommendation to the Superintendent or designee must be in writing and must detail the bids or quotes that were received and verify that the District will save money by entering into the contract with the employee.
5. No waiver shall be granted where the employee would need to take an unpaid leave from her/his regular job with the District, or would need to quit her/his job with the District, in order to fulfill the contract. The judgment as to whether or not this would be the case shall be made by the division head.
6. The Superintendent or designee shall have final authority for approval of any waiver and shall do so in writing. Any waiver approval shall be reported to the Board of Education in open session within one month of the time it is approved.

To avoid a conflict of interest or an appearance of conflict of interest, no employee may initiate or participate in, directly or indirectly, decisions involving a direct benefit, e.g., initial employment or rehire, promotion, salary, performance appraisals, work assignments or other working conditions to those related by blood or marriage, membership in the same household, including domestic partners, partners in a civil union or persons with whom employees have an intimate relationship.

Any employee who becomes aware this policy is being violated should notify their supervisor or the HR Director assigned to their Building/Department of their concerns. If the potential violation involves the immediate supervisor and/or the HR Director assigned to the Building/Department, concerns should be brought to the Office of Legal Counsel.