



## Provo City School District Policy Series 5000: Personnel

Policy No. 5250

### Conflict of Interest

Staff members will not engage in nor have a direct financial interest in any activity which conflicts with his/her duties and responsibilities. No employee shall violate provisions of the Utah Public Officer's and Employees' Ethics Act or provisions of Provo School District Policy 6210, Purchasing. Situations where a conflict of interest may exist include but are not limited to:

- A. Receiving economic benefit from selling or promoting the sale of goods or services to the students or their parents where the knowledge of the staff member's relationship to the district is in any way utilized to influence the sale.
- B. Receiving economic benefit from the sale of instructional and training materials and/or equipment where the district has specifically engaged a staff member(s) to develop such materials or equipment. In such instances, the district will retain a proprietary interest.
- C. Encouraging a student who is enrolled in one or more of the teacher's classes to take private lessons or to engage tutoring for fee from the staff member.
- D. Using or providing for others a list of names and home addresses obtained from school records or school - related contacts for purposes of identifying potential client or customer contacts.
- E. Participating in any way in the selection process for materials, books or equipment when an item developed by or authored by the staff member or a member of his/her family is under consideration for approval for district use.
- F. Direct involvement in the selection of an applicant or in the appointment, evaluation or supervision of any other staff member who is a family member or life partner. Family includes spouse, siblings, children, parents/parents - in - law or any other individual who is a member of the household.
- G. Using the interschool mail or email to promote sales of a product in which a staff member has a financial interest.
- H. Providing a staff or student directory for use in promoting sales of a product or service.
- I. Purchasing or otherwise acquiring surplus district property, where the staff member was involved in or had influence in the process of declaring the item(s) as surplus.
- J. Engaging in secondary employment while on sick leave, Family Medical Leave Act (FMLA) leave, hourly paid leave (HPL) or Paid Time Off (PTO) without prior approval from the Deputy Superintendent.
- K. Providing services to the District as a Vendor or Independent contractor when employed by the District in the same or similar capacity.

### Outside Employment

Employees of the Provo School District may engage in secondary employment or receive compensation for work performed in addition to their employment with the Provo School District subject to the following conditions:

- a. Application for *Approval of Secondary Employment or Business Ownership Form* (see attached) is completed and approved for similar / related employment or hours that could conflict with district duties (band teacher giving music lessons, coach employed by private sports clinic or league, etc.). A new approval form must be submitted each July 1, or within 30 days whenever outside employment changes. This form shall be submitted before starting in secondary employment. Employees currently engaging in secondary employment must also submit this form;
- b. Secondary employment must not interfere with the efficient performance of the employee's district position, duties, and functions;
- c. Secondary employment must not conflict with the interests of the Provo School District;
- d. Secondary employment must not give reason for criticism or appearance of conflicting interests or duties;
- e. Secondary employment shall not require the employee to use his/her position or any influence, power, authority, or confidential information they receive in that position, or state time, equipment, property, or supplies for private gain;
- f. If secondary employment is occasional, non-substantive, and unrelated to district employment, it may be excluded unless there is a potential conflict.

#### Neptotism

- a. The Provo School District believes all employees should be competitively selected on the basis of qualifications. The district adheres to the Neptotism Act regarding appointing and supervising relatives. The district also exercises their right to incorporate other good management practices by extending these prohibitions to include those persons with whom there is a close, personal relationship, and any companies where such individuals or relatives are employed or have any ownership. It also discourages hiring of relatives or others with whom there is a close personal relationship in the same school or department. Employees must recuse themselves from hiring or selection committees if family members or close personal friends are applicants. This policy applies to permanent and temporary employees.
- b. The state's Neptotism Act states: "No public officer may employ, appoint, or vote for or recommend the appointment of a relative in or to any position or employment, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative . . ."
- c. Reference (a) defines a relative as "father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law." Reference (b) also includes grandchildren, grandparents, spouse's grandparents, stepchildren, stepparents, step-grandparents, spouse's step-grandparents, stepsisters and stepbrothers under the definition of immediate family. For this policy, the definition of a relative is a combination of (a) and (b).
- d. The district requires disclosure of the relationship before hire, transfer or promotion to a position in Provo School District. Hiring relatives may be approved if there is no working relationship between them that might reasonably give rise to criticism or conflict of interest. Principal and Directors will evaluate such hiring decisions on a case-by-case basis and consult with the Deputy Superintendent.
- e. During the initial interview, hiring officials shall ask applicants to declare if they have relatives or others with whom there is a close personal relationship working in the same

school or department, if an ongoing working relationship may occur. If the applicant has a relative currently working in the school or department, approval from the Deputy Superintendent is required before making an offer of employment.

- f. Any applicant who withholds or gives false information regarding personal relationships may be terminated. A supervisor who knowingly violates this policy is subject to disciplinary action.
- g. Employees working within the same school or department who marry may be reassigned at the discretion of the Principal, Director or Deputy Superintendent. If the Nepotism Act is violated by a marital relationship, employees will be reassigned by the Deputy Superintendent.

### **Prohibited Supervision**

No District employee may directly supervise an appointee who is a relative or cohabitant when the salary, wages, pay, bid or compensation of the relative will be paid from public funds, unless:

1. The relative was appointed or employed before the District employee assumed his or her supervisory position, if the relative's appointment was not unlawful at the time of appointment;
2. The appointee will be compensated from funds designated for vocational training;
3. The appointee will be employed for a period of 12 weeks or less;
4. The appointee is a volunteer as defined by the District;
5. The appointee is the only person available, qualified or eligible for the position;
6. The appointee will is eligible or qualified to be employed by the District pursuant to State Office certification if applicable, civil service laws or regulations, or merit system or regulations; or,
7. The Superintendent determines that the employee is the only person available or best qualified to perform supervisory functions for the appointee.

When a District employee supervises a relative, the employee shall make a complete written disclosure of the relationship to the Superintendent. The District employee may not evaluate the relative's job performance or recommend salary increases for the relative.

### Use of District Assets

No school district employee may employ or use any person, money, or school property under the employee's official control or direction for the private gain of that employee or another.

However, a district employee may use public resources to benefit others as part of the employee's official duties, if the expenditure is of little or no value, there no impact on public funds and is purchased with the consent of his/her supervisor.

### **Legal References:**

Utah Code 17B-1-110

Utah Code 76-8-109

### **Synopsis**

Compliance with Nepotism Requirements

Failure to Disclose Conflict of Interest

Utah Code 52-3-109  
Utah Code Title 67 Chapter 16

Employment of Relatives Prohibited  
Utah Public Officers' and Employees' Ethics Act

Approved by Board of Education:  
Revised:

November 12, 2013  
November 18, 2014