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Conflict of Interest
Policy Series: 5000 Personnel

Policy No. 5250

Definitions:

1. Relative: 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, grandchildren, grandparents, spouse’s grandparents, step-children, step-parents, step-grandparents, spouse’s step-grandparents, step-sisters and step-brothers.
2. Government Agency: [any department, division, agency, commission, board, council, committee, authority or any other institution of the state or any of its political subdivisions, including the District and Board of Education.](#)

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 Officers 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:

1. 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.
2. 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.
3. [Encouraging a student who is enrolled in one or more of the teacher’s classes to take private lessons or to engage in tutoring for a fee from the staff member.](#)[1]

- 41 4. Using or providing for others a list of names and home addresses obtained from school
42 records or school - related contacts for purposes of identifying potential client or
43 customer contacts.
44
- 45 5. Participating in any way in the selection process for materials, books or equipment when
46 an item developed by or authored by the staff member or a member of his/her family is
47 under consideration for approval for district use.
48
- 49 6. Direct involvement in the selection of an applicant or in the appointment, evaluation or
50 supervision of any other staff member who is a family member or life partner. Family
51 includes spouse, siblings, children, parents/parents - in - law or any other individual who
52 is a member of the household.
53
- 54 7. Using the interschool mail or email to promote sales of a product in which a staff
55 member has a financial interest.
56
- 57 8. Providing a staff or student directory for use in promoting sales of a product or service.
58
- 59 9. Purchasing or otherwise acquiring surplus district property, where the staff member was
60 involved in or had influence in the process of declaring the item(s) as surplus.
61
- 62 10. Engaging in secondary employment while on sick leave, Family Medical Leave Act
63 (FMLA) leave, hourly paid leave (HPL) or Paid Time Off (PTO) without prior approval
64 from the ~~Executive Director~~ Director of Human Resources or Deputy Superintendent.
65
- 66 11. Providing services to the District as a Vendor or Independent contractor when employed
67 by the District in the same or similar capacity.
68
69

70 **Outside Employment**

71
72 Employees of the Provo School District may engage in secondary employment or receive
73 compensation for work performed in addition to their employment with the Provo School District
74 subject to the following conditions:
75

- 76 a. Application for [Approval of Secondary Employment or Business Ownership Form](#) is
77 completed and approved for similar / related employment or hours that could conflict with
78 district duties (band teacher giving music lessons, coach employed by private sports
79 clinic or league, etc.). A new approval form must be submitted each July 1, or within 30
80 days whenever outside employment changes. This form shall be submitted before
81 starting in secondary employment. Employees currently engaging in secondary
82 employment must also submit this form;
83

- 84 b. Secondary employment must not interfere with the efficient performance of the
85 employee's district position, duties, and functions;
86
87 c. Secondary employment must not conflict with the interests of the Provo School District;
88
89 d. Secondary employment must not give reason for criticism or appearance of conflicting
90 interests or duties;
91
92 e. Secondary employment shall not require the employee to use his/her position or any
93 influence, power, authority, or confidential information they receive in that position, or
94 state time, equipment, property, or supplies for private gain;
95
96 f. If secondary employment is occasional, non-substantive, and unrelated to district
97 employment, it may be excluded unless there is a potential conflict.
98
99

100 Nepotism

- 101
102 1. The Provo School District believes all employees should be competitively selected on
103 the basis of qualifications. The district adheres to the Nepotism Act regarding appointing
104 and supervising relatives. The district also exercises their right to incorporate other good
105 management practices by extending these prohibitions to include those persons with
106 whom there is a close, personal relationship, and any companies where such individuals
107 or relatives are employed or have any ownership. It also discourages hiring of relatives
108 or others with whom there is a close personal relationship in the same school or
109 department. Employees must recuse themselves from hiring or selection committees if
110 family members or close personal friends are applicants. This policy applies to
111 permanent and temporary employees.
112
113 2. The state's Nepotism Act states: "No public officer may employ, appoint, or vote for or
114 recommend the appointment of a relative in or to any position or employment, when the
115 salary, wages, pay, or compensation of the appointee will be paid from public funds and
116 the appointee will be directly supervised by a relative . . ."
117
118 3. The district requires disclosure of the relationship before hire, transfer or promotion to a
119 position in Provo School District. Hiring relatives may be approved if there is no working
120 relationship between them that might reasonably give rise to criticism or conflict of
121 interest. Principal and Directors will evaluate such hiring decisions on a case-by-case
122 basis and consult with the Executive Director of Human Resources [and/or Deputy](#)
123 [Superintendent](#).
124
125 4. During the initial interview, hiring officials shall ask applicants to declare if they have
126 relatives or others with whom there is a close personal relationship working in the same
127 school or department, if an ongoing working relationship may occur. If the applicant has

128 a relative currently working in the school or department, approval from the Executive
129 Director of Human Resources is required before making an offer of employment.

130
131 5. Any applicant who withholds or gives false information regarding personal relationships
132 may be terminated. A supervisor who knowingly violates this policy is subject to
133 disciplinary action.

134
135 6. Employees working within the same school or department who marry may be reassigned
136 at the discretion of the principal, director or ~~executive director~~ assistant superintendent. If
137 the Nepotism Act is violated by a marital relationship, employees will be reassigned by
138 the Director of Human Resources.

139 140 141 **Prohibited Supervision**

142
143 No District employee may directly supervise an appointee who is a relative or cohabitant when
144 the salary, wages, pay, bid or compensation of the relative will be paid from public funds, unless:

- 145
- 146 1. The relative was appointed or employed before the District employee assumed his or her
147 supervisory position, if the relative's appointment was not unlawful at the time of
148 appointment;
 - 149 2. The appointee will be compensated from funds designated for vocational training;
 - 150 3. The appointee will be employed for a period of 12 weeks or less;
 - 151 4. The appointee is a volunteer as defined by the District;
 - 152 5. The appointee is the only person available, qualified or eligible for the position;
 - 153 6. The appointee will is eligible or qualified to be employed by the District pursuant to State
154 Office certification if applicable, civil service laws or regulations, or merit system or
155 regulations; or,
 - 156 7. The Superintendent determines that the employee is the only person available or best
157 qualified to perform supervisory functions for the appointee.

158
159 When a District employee supervises a relative, the employee shall make a complete written
160 disclosure of the relationship to the Superintendent. The District employee may not evaluate the
161 relative's job performance or recommend salary increases for the relative.

162 163 164 165 166 167 168 169 170 **Holding Public Office**

171

172 District employees may not serve as members of the Board. District employees may serve as
173 members of the governing bodies of other school districts (other than those in which they are
174 employed), cities, towns, or other local governmental districts.

175
176

177 **School Supplies**

178

179 No teacher, administrator, or other employee of the District shall sell or otherwise receive
180 compensation from the District as a result of the purchase, lease, or acquisition of any kind of
181 school furniture or supplies.

182

183

184 **Private, Controlled, or Protected Information**

185

186 District employees may not:

187

188 1. Accept employment or engage in any business or professional activity that the employee
189 might reasonably expect would require or induce the employee to improperly disclose
190 controlled information that the employee has gained by reason of the employee's
191 position.

192

193 2. Disclose or improperly use controlled, private or protected information acquired by
194 reason of the employee's official position or in the course of official duties for the
195 employee's or another's private gain or benefit.

196

197 3. Use or attempt to use the employee's position with the District to substantially further the
198 employee's economic interest or to secure special privileges or exemptions for the
199 employee or others.

200

201 4. Accept other employment that the employee might expect would impair the employee's
202 independence of judgment in performing the employee's public duties.

203

204 5. Accept other employment that the employee might expect would interfere with the ethical
205 performance of the employee's duties.

206

207

208 **Accepting Gifts, Compensation or Loan**

209

210 No District employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly,
211 any gift, compensation, or loan for the employee or another if:

212

213 1. It would tend to influence someone in the employee's position in the discharge of
214 employment duties;

215

- 216 2. The employee knows or someone in the employee's position should know it is a reward
217 for the employee's action; or
218
219 3. The employee recently has been, or is now, or in the near future may be involved in any
220 governmental action directly affecting the donor or lender, unless a disclosure of the gift,
221 compensation, or loan and other relevant information has been made in the manner
222 provided below captioned "Receiving Compensation for Assistance in Transaction
223 Involving a Government Agency."
224

225 This section does not apply to the following:
226

- 227 1. An occasional non-pecuniary gift having a value of not in excess of \$50.00;
228
229 2. An award publicly presented in recognition of public services;
230
231 3. Any bona fide loan made in the ordinary course of business by an institution authorized
232 by the laws of this state or any other state to engage in making such loans.
233
234 4. A political campaign contribution if the contribution is actually used in a political campaign
235 of the recipient District employee.
236
237

238 **Receiving Compensation for Assistance in Transaction Involving a Government Agency** 239

240 No District employee shall receive or agree to receive compensation for assisting any person or
241 business entity in any transaction involving a government agency unless the District employee
242 files with the superintendent, the state attorney general's office, and the head of the agency with
243 which the transaction is being conducted a sworn written statement containing the following
244 information:
245

- 246 1. The name and address of the employee.
247
248 2. The name of the District.
249
250 3. The name and address of the person or business entity being or to be assisted.
251
252 4. A brief description of the transaction as to which service is rendered or is to be rendered
253 and of the nature of the service performed or to be performed.

254 The sworn statement shall be filed on or before the earlier of 10 days after the date of any
255 agreement between the District employee and the person or business entity being assisted or
256 10 days after the receipt of compensation.

257

258 **Use of District Assets**

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

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

264
265

266 **Legal References**

267 [Utah Code § 20A-14-202\(4\) \(2022\)](#)

268 [Utah Code § 67-16-4 \(2018\)](#)

269 [Utah Code § 67-16-5 \(2014\)](#)

270 [Utah Code § 67-16-3\(1\) \(2024\)](#)

271 [Utah Code § 67-16-6 \(2024\)](#)

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275 **Board Approved:** November 12, 2013

276 Revised: November 18, 2014

277 Revised:

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