



Provo City School District

Policy Series: 5000 Personnel

Policy 5250

Conflict of Interest

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.
4. 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.
5. 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.

6. 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.
7. Using the interschool mail or email to promote sales of a product in which a staff member has a financial interest.
8. Providing a staff or student directory for use in promoting sales of a product or service.
9. 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.
10. 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 Director of Human Resources [or](#) Deputy Superintendent.
11. 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](#) 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.

Nepotism ([See Policy 5020 Procedure 7](#))

1. The Provo School District believes all employees should be competitively selected on the basis of qualifications. The district adheres to the Nepotism 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.
2. The state's Nepotism 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 . . ."
3. 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 ~~Executive~~ Director of Human Resources and/or Deputy Superintendent.
4. 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 Director of Human Resources is required before making an offer of employment.
5. 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.
6. Employees working within the same school or department who marry may be reassigned at the discretion of the principal, director or assistant superintendent. If the Nepotism Act

is violated by a marital relationship, employees will be reassigned by the Director of Human Resources.

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.

Holding Public Office

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

School Supplies

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

Private, Controlled, or Protected Information

District employees may not:

1. Accept employment or engage in any business or professional activity that the employee might reasonably expect would require or induce the employee to improperly disclose controlled information that the employee has gained by reason of the employee's position.
2. Disclose or improperly use controlled, private or protected information acquired by reason of the employee's official position or in the course of official duties for the employee's or another's private gain or benefit.
3. Use or attempt to use the employee's position with the District to substantially further the employee's economic interest or to secure special privileges or exemptions for the employee or others.
4. Accept other employment that the employee might expect would impair the employee's independence of judgment in performing the employee's public duties.
5. Accept other employment that the employee might expect would interfere with the ethical performance of the employee's duties.

Accepting Gifts, Compensation or Loan

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

1. It would tend to influence someone in the employee's position in the discharge of employment duties;
2. The employee knows or someone in the employee's position should know it is a reward for the employee's action; or
3. The employee recently has been, or is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided below captioned "Receiving Compensation for Assistance in Transaction Involving a Government Agency."

This section does not apply to the following:

1. An occasional non-pecuniary gift having a value of not in excess of \$50.00;
2. An award publicly presented in recognition of public services;

3. Any bona fide loan made in the ordinary course of business by an institution authorized by the laws of this state or any other state to engage in making such loans.
4. A political campaign contribution if the contribution is actually used in a political campaign of the recipient District employee.

Receiving Compensation for Assistance in Transaction Involving a Government Agency

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

1. The name and address of the employee.
2. The name of the District.
3. The name and address of the person or business entity being or to be assisted.
4. A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

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

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 is no impact on public funds and is purchased with the consent of his/her supervisor.

Legal References

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

[Utah Code § 67-16-4 \(2018\)](#)

[Utah Code § 67-16-5 \(2014\)](#)

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

[Utah Code § 67-16-6 \(2024\)](#)

Board Approved:

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