

POLICY Board of Education of Queen Anne's County

Responsible Office:	Superintendent's Office
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CODE OF ETHICS AND CONFLICT OF INTEREST

I. PURPOSE

The purpose of this policy is to support the State Ethics Regulations by articulating the importance of ethical conduct by Board members and employees of Queen Anne's County Public Schools in the governance and operation of the school system, to establish standards of conduct, and to publicize those standards to the school community.

II. POLICY STATEMENT

The Board of Education of Queen Anne's County recognizes that the success of a public school system is dependent upon citizens having the highest trust in their public officials and employees. The Board expects its employees to conduct themselves in a trustworthy and ethical manner at all times in the performance of their duties and responsibilities. Accordingly, citizens have a right to be assured that the Board, the Superintendent, and Queen Anne's County Public School System (QACPS) employees maintain impartiality and independence of judgment in the performance of duties and responsibilities.

Ethics and ethical standards are regulated by this policy and by the Regulations of the policy. The Board's Ethics Regulations establish expected behavior for all instructional and non-instructional personnel, administrative and supervisory personnel, Board of Education members, employees, and consultants (henceforth referred to as Board members and employees). These Ethics Regulations have been issued in accordance with Maryland law, which requires all Boards of Education to adopt the Ethics Regulations. Board members and employees will be subject to the Ethics Regulations, which address the school system's commitment to leading and teaching by example, and to serving as role models for students. Through these Ethics Regulations, the Board sets minimum ethical standards of conduct for itself and school system employees.

III. DEFINITIONS

In this policy, the following terms have the means indicated:

- A. *Advisory Opinion* – an opinion rendered by the Ethics Panel as to the applicability of the Ethics Regulations to conduct or actions by those persons as set forth in the Ethics Regulations, Section I. An advisory opinion may include cautionary advice regarding situations which by their nature require only a minor change of circumstances to become an actual conflict.

- B. *Board* – the Board of Education of Queen Anne’s County.
- C. *Business Entity* – a corporation, limited liability company, general or limited partnership, sole proprietorship, joint venture, unincorporated association, company or firm, institution, trust, foundation, or other organization, whether or not operated for profit. Business Entity does not include a governmental entity.
- D. *Compensation* – any money or thing of value, regardless of form, received or to be received by any individual covered by this policy from an employer for services rendered. If lobbying is only a portion of a person’s employment, “compensation” means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.
- E. *Complaint* – written assertion of an alleged violation of the Ethics Policy and/or the Ethics Regulation of the QACPS on the part of anyone covered by the Ethics Regulations; may be filed by any person or persons.
- F. *Confidential Information* includes the following:
 - 1. Records protected against release or distribution by a federal, state, or controlling law;
 - 2. Attorney-client privileged material and attorney work product, unless legally waived by the party controlling the privilege;
 - 3. Identifying information concerning the Requester of an Advisory Opinion from the Ethics Panel;
 - 4. All information regarding a complaint filed with the Ethics Panel unless otherwise authorized for release by the Board of Education.
- G. *Doing Business With* –
 - 1. Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$1000.00 or more of school system funds;
 - 2. Being subject to the authority of the school system; or
 - 3. Being registered as a lobbyist under this policy.
- H. *Employee* – Any person working for QACPS and the Board of Education for wages on a full or part-time, permanent or temporary basis, who is, or will be, issued an Internal Revenue Service (IRS) W2 statement or earnings form for income tax purposes at the end of the year.

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- I. *Ethics* – The rules and standards of conduct.
- J. *Ethics Panel* – the Board of Education of Queen Anne’s County Ethics Panel, established under section IV. subsection S of this policy.
- K. *Financial Interest* –
 - 1. Ownership of any interest as the result of which the owner has received within the past three years or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
 - 2. Ownership of securities of any kind representing or convertible into ownership, of more than three percent of a business entity by an official or the spouse of an official.
- L. *Fraud and Abuse* – obtaining property owned by or under the control of the Board by means of false pretenses or representation including, but not limited to, bribery, kickbacks, illegal acts, forgery, theft, or embezzlement.
- M. *Gift* – the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. “Gift” does not include contributions regulated under the Elections Law Article of the Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.
- N. *Immediate Family* – a spouse, parent/guardian and/or immediate children.
- O. *Interest* – a legal or equitable economic interest whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of the Financial Disclosure section of this policy and the associated regulation, “Interest” includes any interest held at any time during the reporting period. Interest does not include:
 - 1. An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 - 2. An interest in a time or demand deposit in a financial institution;
 - 3. An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 - 4. A common trust fund or a trust which forms part of the pension or profit-sharing plan which has more than 25 participants and which has been determined by the

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Internal Revenue Service to be a qualified trust under the Internal Revenue Code;

5. A college savings plan under the Internal Revenue Code; or
6. A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

P. *Lobbying* –

1. Communicating in the presence of an official with the intent to influence any official action of that official, and where \$100 or more is spent during a calendar year for food, entertainment, other gifts, or a series of gifts with the intent to influence; or
2. Engaging in activities having the express purpose of soliciting others to communicate with an official with the intent to influence that official.

Q. *Lobbyist* – a person required to register and report expenses relating to lobbying under the policy and associated regulation.

R. *Member of the Board* – a member of the Board of Education of Queen Anne's County.

S. *Official* – a member of the Board of Education of Queen Anne's County, an employee of the Board of Education of Queen Anne's County, and all employees of QACPS, to include the Superintendent.

T. *Person* – an individual or business entity.

U. *Personal Benefit* – Anything that promotes or enhances the well-being of an individual or his/her immediate family or that accrues to the personal advantage of that individual or his/her immediate family.

V. *Qualified Relative* – a spouse, parent, child and/or sibling.

W. *Quasi-governmental entity* – an entity that is created by State statute, that performs a public function, and that is supported in whole or in part by the State but is managed privately.

X. *School System* – the educational system under the authority of the Board of Education of Queen Anne's County.

Y. *Superintendent* – The person in the QACPS designated as the Superintendent pursuant to Par.1-101(e) of the Education Article, Annotated Code of Maryland.

- Z. *Tutoring* – Private instruction or services for a student provided by an employee for compensation.

IV. POLICY ELEMENTS

- A. All Board members and employees of QACPS will conduct their duties and responsibilities in a responsible and ethical manner that reflects and exemplifies their position of public trust.
- B. All Board members and employees will maintain impartiality and independent judgment in carrying out their duties.
- C. All Board members and employees will report any violation of the Ethics Policy of the Ethics Regulations to the Ethics Panel.
- D. It is the responsibility of all Board members and employees to be alert for any indications of fraud and abuse involving QACPS funds or property.
- E. The Board requires certain school officials (Board members and candidates, the Superintendent, and those listed in the Ethics Regulations IX.A.) to disclose certain financial interests to guard against improper influence.
- F. A Board member providing testimony to another entity represents only the individual views of that Board member and does not speak on behalf of the entire Board unless the Board member has been previously designated by the Board to be its representative.
- G. All Board members and employees have the right 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 and serve in public office.
 - 1. The following activities are specifically prohibited on QACPS property, except by guidelines established by the Board, Superintendent, Board of Elections, bargaining units, and Policy 2010 – Student Representation governing the Student Members of the Board and candidates for Student Member of the Board:
 - (a) Posting of political circulars or petitions.
 - (b) The use of any school or office help, telephones, supplies, or equipment.
 - 2. All Board members and employees, excluding the Student members of the Board or students running for the Student Member of the Board, who are seeking or holding public office or campaigning for a political candidate:

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- (a) Must not conduct campaign activities within the staff workplace or while staff is engaged in QACPS business.
 - (b) May not associate their QACPS position with the endorsement of any candidate.
 - (c) May not require any QACPS student to participate in political campaigns for the employee or for any specific political party, candidate, or political issue which the employee is promoting.
- H. If a conflict arises between a provision in this ethics policy and the terms of the Ethics Regulations, the provisions of the Ethics Regulations will supersede and be applied.
- I. Detailed and/or specific information regarding any of the standards can be obtained from the Ethics Regulations.
- J. All opinions, findings, and recommendations by the Ethics Panel will be provided to the Board.
- K. An annual report on the activities of the Ethics Panel will be provided for the Board.
- L. In the event of receipt of a complaint of any ethics violation, the Ethics Panel will consider the complaint in accordance with this policy and with the Ethics Regulations.
- M. If a situation arises in which any individual is concerned that his/her actions may be a violation, they should contact legal services, who will advise the employee of an advisory opinion. If the question is clearly allowed by the Ethics Policy or the Ethics Regulations or prior rulings by the Ethics Panel, the legal services may share those standards and rulings with the individual.
- N. All Board members and employees may seek an advisory opinion from the Ethics Panel by making a request in writing.
- O. Violations will result in consequences in accordance with this policy and with the Ethics Regulations.
- P. Violations of this policy or the Ethics Regulations can include, but not be limited to:
- 1. Tutoring a current student of the employee for private compensation.
 - 2. Soliciting gifts of any value.
 - 3. Accepting a gift in violation of Section VII. C of the Ethics Regulations. An unsolicited gift of \$20.00 or less in cost is not a violation, unless the gift would tend to impair the impartiality and independence of judgment of the person receiving the gift.

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4. Holding outside employment in an area of responsibility that would impair their impartiality or independence of judgment.
 5. Intentionally disclosing confidential information to an unauthorized recipient or using confidential information for one's own benefit or that of another.
 6. Participating in a matter which would have a financial impact on them or their immediate family.
 7. Intentionally using one's prestige of office or position for one's own private gain or that of another.
- Q. All bidders and potential vendors doing business with the QACPS will be notified in writing of section VII.C. of the Ethics Regulations and will be advised that giving or offering a gift or series of gifts to a Board official or employee who is subject to these regulations is improper and may result in disqualification from future work on the grounds that the donor/offeror is no longer a responsible bidder or vendor.

R. Responsibilities

1. A Legal counsel will serve as liaison to the QACPS Ethics Panel and ensure that the appropriate reports, opinions, findings and recommendations are provided to the Board in a timely manner.
2. Members of the Ethics Panel will abide by the duties, responsibilities, and rules of the Ethics Regulations.
3. The Office of Human Resources will ensure that all new Board members and employees receive a copy of this ethics policy and the Ethics Regulations.

S. Ethics Panel

There is a QACPS Ethics Panel that consists of three (3) members appointed by the Board. The Ethics Panel shall:

1. Members of the Ethics Panel shall serve staggered three (3) year terms.
2. Ethics Panel members can serve for more than one term.
3. A panel member may serve until a successor is appointed and qualifies.
4. Be assisted by the Executive Assistant to the Board, who shall be the custodian of all forms, which are public record, submitted by any person under this policy and the associated regulation.
5. Be assisted by the Board Attorney in carrying out its duties.

6. Conduct an information session regarding the purposes and application of this policy and associated regulation.
7. Be the advisory board responsible for interpreting and advising those subjects to this policy and associated regulation.
8. Provide advisory opinions, upon request from person's subject to this policy and associated regulation regarding the application of the policy or regulation.
9. The Ethics Panel shall respond promptly to a request for an advisory opinion and shall provide interpretations of this policy within 20 days of the request, based on the facts provided or reasonably available to the Ethics Panel.
10. In accordance with applicable State laws regarding public records, the Ethics Panel shall publish or otherwise make available to the public copies of the advisory opinions with the identities of the individuals who are the subjects of the opinions deleted.
11. Process and make determinations regarding complaints alleging violations of this policy and associated regulation.
12. Members of the Ethics Panel may be suspended or removed from the Ethics Panel for just cause as determined by the Board.
13. The Board may remove and replace Ethics Panel members in the event of:
 - (a) Death; or
 - (b) Resignation; or
 - (c) Just cause, as determined by the Board.
14. In the event of a vacancy on the Ethics Panel, the replacement member will finish out the term of the removed member.

V. IMPLEMENTATION

The Board shall implement this policy.

VI. POLICY REVIEW

This policy to be reviewed by the responsible office every four years after its initial adoption.

VII. SPECIFIC REFERENCES TO TITLES, DEPARTMENTS, OR LAWS

COMAR Title 19A, subtitle 05

VIII. EFFECTIVE DATE

Date: September 7, 2022



Patricia W. Saelens, Ed.D.
Superintendent, Queen Anne's County Public Schools

HISTORY:

Initial Adoption	02/01/2012	Revised	07/13/22	Reviewed	02/05/2020	Next Review	07/13/26
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