

Policy

STAFF ETHICS/CONFLICT OF INTEREST

Code GAG Issued 12/15/21

The Board expects staff members to be familiar with the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act) and to adhere to its provisions in their behavior, contacts, and relationships with students, parents/legal guardians, coworkers, and school officials. Staff members will not engage in any activity that conflicts or raises a reasonable question of conflict with their responsibilities in the district or otherwise violates the Ethics Act.

No employee of the Board will

- engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his duties and responsibilities in the school system;
- engage in work for which information concerning customer, client or employer originates from information available to him through school sources;
- sell instructional supplies, equipment or reference books in the attendance zones served by his school nor shall he furnish the names of students or parents to anyone selling these materials; and
- engage in any type of private business during regular employment hours.

Assignment of relatives

The administration will not assign two members of a family in the relationships below to the same school, department, building or staff, unless it is in the best interest of the district:

- spouse
- sibling/sibling or
- parent/child.

This policy applies to all levels and categories of employees, except part-time school bus drivers. For the purposes of this policy, custodians and food service workers shall be considered assigned to a school rather than a department.

This policy is not retroactive.

Nepotism

S.C. Code of Laws, 1976, as amended, Section 8-13-750 of the South Carolina Ethics Act provides that no board member or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a position in the district in which the

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board member or public employee supervises or manages. Similarly, no board member or public employee may participate in an action related to the discipline of the board member's or public employee's family member.

“Family member,” as referenced in this policy, includes the board member's or public employee's spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild [S.C. Code of Laws, 1976, as amended, Section 8-13-100(15)]. The Board further includes in the definition of “family member” an individual claimed by a board member or the board member's spouse as a dependent for income tax purposes.

South Carolina Code of Laws, 1976, as amended, Section 59-25-10 provides that no board member's immediate family member may be employed as a teacher without the written consent of the Board. The provision specifies that written consent of the board does not apply to any teacher who was employed prior to the time his/her family member became a board member.

The district will not place an employee in a position where he/she will exercise direct administrative or supervisory authority over a member of his/her family.

State Ethics Law

A public school employee is under the jurisdiction of the “Ethical Conduct of Public Officials and Employees,” S.C. Code of Laws, 1976, as amended, Section 8-13-700, et seq., and is subject to the rules of conduct of the statute. Such rules include, but are not limited to, the following.

A public employee:

- may not directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value (as defined in the Ethics Act) for him/herself or for another person in return for the following: (8-13-705)
 - being influenced in the discharge of his/her official responsibilities
 - being influenced to commit, aid in committing, collude in, allow fraud, or make an opportunity for the commission of fraud on a government entity
 - being induced to perform or fail to perform an act in violation of his/her official responsibility
- acting in an official capacity - may not receive anything of value for speaking before a private or public group; an employee may accept a meal if everyone else gets the same meal and may receive reimbursement for actual expenses, if the expenses are reasonable as to time and manner (8-13-715)
- may not use his/her position to obtain an economic interest for him/herself, a family member, or an individual or business associate; if the employee is required to make a decision or take an action which benefits the aforementioned, he/she must prepare a written statement describing the matter and the nature of the potential conflict of interest and submit it to his/her superior, who will assign the matter to another employee (8-13-

700)

- may not use public materials, personnel, equipment, or confidential information to obtain an economic interest; he/she may not receive money in addition to normal compensation for advice or assistance given in the course of employment (8-13- 720 and -725)
- may not cause the employment, promotion, or advancement of a family member to a position he/she supervises, nor may participate in a disciplinary action of a family member (8-13-750)
- who participates directly in procurement cannot resign and accept employment with a person contracting with the school district if the contract falls or would fall under the departing employee’s responsibilities (8-13-760)
- may not use governmental personnel, equipment, or materials in an election campaign (8-13-765)
- may not serve as a member or employee of a government regulatory commission that regulates any business with which the employee is associated (8-13-730)
- may not represent another person before a governmental entity (8-13-740)
- must report the receipt of anything of value worth \$25 or more under certain circumstances (8-13-710)
- may not receive compensation to influence action (8-13-705)
- may not receive additional money as payment for advice or assistance given in the course of their employment (8-13-720)
- may not use or disclose confidential information gained in the course of employment (8-13-725)
- may not have an economic interest in a contract if the employee is authorized to perform an official function relating to the contract (8-13-775)
- may not use or disclose confidential information gained in the course of employment in any way that would affect an economic interest held by the employee, a member of the employee’s immediate family, or a business with which the employee is associated (8-13-725)

In cases where an employee is required to take action or make a decision which affects him/herself or other individuals, the employee will take such steps as the Ethics Commission will prescribe to remove him/herself from the potential conflict of interest (Section 8-13-700).

The superintendent, chief financial officer, and purchasing agent must file an annual statement of economic interest with the State Ethics Commission (Section 8-13-1110).

Adopted 9/16/20; Revised 12/14/21

Legal references:

- A. South Carolina Code, 1976, as amended:
1. Section 59-15-10 – No employee may serve on the county board of trustees
 2. Section 59-19-300 – A teacher may not receive pay as a teacher in same district where he serves on the board of trustees
 3. Section 59-31-590 – A teacher may not have pecuniary interest in textbook selection
 4. Section 8-13-100(15) - “Family member” means an individual who is the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-

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5. law, grandparent or grandchild, or a member of the individual's immediate family.
Section 8-13-100(18) - "Immediate family" means a child residing in a public employee's household; a spouse of a public employee; or an individual claimed by the public employee or the public employee's spouse as a dependent for income tax purposes.
6. Section 8-13-700, et seq. - Portion of the South Carolina Ethics, Government Accountability, and Campaign Reform Act applicable to board members.
7. Section 59-15-10 - No staff member may serve on the board.
8. Section 59-19-300 - A board member may not receive pay as a teacher in same district where he/she serves on the board.
9. Section 59-25-10 - Employment of teachers related to board members or serving as board members.
10. Section 59-31-590 - A teacher may not have pecuniary interest in textbook selection.