

CONFLICT OF INTEREST POLICY AND PROCEDURES

THE SCHOOL RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART.

POLICY:

The purpose of the Conflict of Interest Policy is to establish the basic structure for ethical conduct and avoidance of conflicts of interest on the part of school staff.

Staff members will not engage in any activity that conflicts or raises a reasonable question of conflict with their responsibilities in the school.

An employee will not engage in work of any type where information concerning a customer, client or employer originates from any information available to him/her through their school employment.

An employee will not sell instructional supplies, equipment or reference books within communities served by its charter authorizer, nor will the employee furnish the names of students or parents/legal guardians to anyone selling these materials.

If an employee gains employment outside the school, the employee must receive written approval from the school principal before finalizing the employment opportunity. Secondary employment is not prohibited but earning income from a source that directly competes with the school is not allowed. In addition, secondary employment schedules that conflict with an employee's ability to be present at their job is prohibited.

To minimize conflicts of interest that may arise under the Ethics Act and serve the best interests of the school, no family member of a board member will be hired by the school. Additionally, no family member of the school principal or the school office staff (at the director level or above) will be hired by the school.

PROCEDURES:

Nepotism

S.C. Code Ann. Section 8-13-750 of the South Carolina Ethics Act provides that no board member or school employee may cause the employment, appointment, promotion, transfer or advancement of a family member to a position in the school. Similarly, no board member or school employee may participate in an action related to the discipline of the board member's or school employee's family member.

"Family member" includes the board member's spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild. 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.

State Ethics Law

A school employee is under the jurisdiction of the "Ethical Conduct of Public Officials and Employees," Section 8-13-700, et. seq. S.C. Code of Laws and is subject to the rules of conduct of the statute. Such rules include the following:

- A school employee may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive or agree to receive anything of value for him/herself or for another person in return for the following.
 - 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
- "Anything of value" is anything tangible or intangible including money, promises of employment, gifts, honorarium, food, transportation and entertainment. The following items are excluded.
 - Printed informational or promotional material, not to exceed \$10 in monetary value
 - Items of nominal value, not to exceed \$10, containing or displaying promotional material
 - A personalized plaque or trophy with a value that does not exceed \$150
 - Educational material of nominal value directly related to the school employee's official responsibilities
 - An honorary degree bestowed upon a school employee by a public or private university or college
 - Promotional or marketing items offered to the general public on the same terms as the school employee
- Acting in an official capacity - school employee 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.
- May not use his/her position to obtain an economic interest of him/herself, a member of his/her immediate family 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.
- 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.
- 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.
- Who participates directly in procurement cannot resign and accept employment with a person contracting with the school if the contract falls or would fall under the departing employee's responsibilities.
- May not use governmental personnel, equipment or materials in an election campaign.
- May not serve as a member or employee of a government regulatory commission that regulates any business with which the employee is associated.
- May not represent another person before a governmental entity.

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 the potential conflict of interest.

Gifts & Entertainment

To further avoid undue influence and potential conflicts of interest, school employees may not accept gifts from vendors/suppliers/third parties if they exceed a de minimus amount. De minimus is defined as \$25 in value or less from one individual/firm in a calendar year. Similarly, school staff may not accept meals or other forms of entertainment (i.e. tickets) unless receiving advance written authorization from the school principal. The school principal should receive written authorization from the Pinnacle CFO. Meals over \$25 and/or the face value of tickets provided over \$50 are not permitted.

Conflicts of Interest in Federal Procurement Procedures

No school employees or Board member may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee or Board member or any member of his or her immediate family (as defined in "family member" above), his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The employees and Board members may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value.

Upon discovery of any potential conflict, the school will disclose in writing the potential conflict to the federal awarding agency in accordance with applicable federal awarding agency policy. The school will also disclose in writing to the federal awarding agency or pass-through any violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the award.

A school employee or Board member who is participating directly in procurement, may not resign and accept employment with a person contracting with the governmental body if the contract falls or would fall under the employee or Board member's official responsibilities.

Legal References

S.C. Code, 1976, as amended:

Section 8-13-700, et seq. - State ethics law.

Section 59-15-10 - No employee may serve on the county board of education.

Section 59-19-300 - A board member may not receive pay as a teacher in same organization where he/she serves on the board of trustees.

Section 59-31-590 - A teacher may not have pecuniary interest in textbook selection.

Document History

Change	Date	Editor
Adopted by Board	3/23/21	Erik Miller
Reviewed & Updated	5/12/22	Mike Miller
DRAFT for BRD Approval	5/17/22	Mike Miller
Adopted by Board	5/17/22	Mike Miller