

Wilson County Board of Education

| | | |
|--|-------------------------|---------------------------|
| Policy Description: Ethics Page 1 of 7 | Policy Number: 1.106 | Amended Date: 06/30/08 |
| | Rescinds: IIC6 | Issued: 08/96 |

1 The Board adopts this Code of Ethics as recommended by the Tennessee School Boards Association as a guide
2 to its members as they provide educational leadership for the youth of our state. The Board further agrees that
3 ethical issues regarding the Board or its members may be referred to the TSBA Ethics Advisory Council.
4

5 **Section 1 – Definitions:**

- 6
- 7 (1) "School district" means Wilson County School District, which was duly created by a public or private
8 act of the General Assembly; and which includes all boards, committees, commissions, authorities,
9 corporations or other instrumentalities appointed or created by the school district or an official of the
10 school district.
- 11 (2) "Officials and employees" means and includes any official, whether elected or appointed, officer,
12 employee or servant, or any member of any board, agency, commission, authority or corporation
13 (whether compensated or not), or any officer, employee or servant thereof, of the school district.
- 14 (3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with
15 this Code of Ethics, a financial interest of the official or employee, or a financial interest of the
16 official's or employee's spouse or child living in the same household, in the matter to be voted
17 upon, regulated, supervised, or otherwise acted upon in an official capacity.
18

19 **Section 2 – Disclosure of personal interest in voting matters:**

20

21 An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the
22 vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that
23 would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In
24 addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the
25 measure.
26

27 **Section 3 – Disclosure of personal interest in non-voting matters:**

28

29 An official or employee who must exercise discretion relative to any matter other than casting a vote and who
30 has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the
31 exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the
32 attached disclosure form and file the disclosure form with the school district's central office. In addition, the

1 official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in
2 the matter.

3
4 **Section 4 – Acceptance of gifts and other things of value:**

5
6 An official or employee, or an official's or employee's spouse or child living in the same household, may not
7 accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone
8 other than the school district that a reasonable person would understand was intended to influence the vote,
9 official action or judgment of the official or employee in executing decision making authority affecting the school
10 district.

11
12 It shall not be considered a violation of this policy for an official or employee to receive entertainment, food,
13 refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with
14 a conference sponsored by an established or recognized statewide association of school board officials or by an
15 umbrella or affiliate organization of such statewide association of school board officials.

16
17 **SECTION 5 – Ethics Complaints:**

18
19 The school district may create a School District Ethics Committee (the "Ethics Committee") consisting of three
20 members who will be appointed to one-year terms by the Chairman of the Board of Education with confirmation
21 by the Board of Education. At least two members of the committee shall be members of the Board of Education.
22 The Ethics Committee shall convene as soon as practicable after its appointment and elect a chair and
23 secretary. The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the
24 office of the Director of Schools, where they shall be open to public inspection.

25
26 Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing
27 ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in writing and
28 signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the
29 complaint is based.

30
31 The School District Ethics Committee may investigate any credible complaint against an official or employee
32 charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it
33 acquires information indicating a possible violation, and make recommendations for action to end or seek
34 retribution for any activity that, in the Committee's judgment, constitutes a violation of this Code of Ethics. If a
35 member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all
36 proceedings involving such complaint.

37
38 The Committee may:

- 39
40 (1) refer the matter to the Board Attorney for a legal opinion and/or recommendations for action;

- 1 (2) in the case of an official, refer the matter to the school board body for possible public censure if the
- 2 board body finds such action warranted;
- 3 (3) in the case of an employee, refer the matter to the official responsible for supervision of the employee
- 4 for possible disciplinary action if the official finds discipline warranted;
- 5 (4) in a case involving possible violation of state statutes, refer the matter to the district attorney for
- 6 possible ouster or criminal prosecution;
- 7

8 The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and
9 enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel
10 policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service
11 provisions rather than as a violation of this Code of Ethics.



12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

Wilson County School District Code of Ethics
Conflict of Interest Disclosure Statement

INSTRUCTIONS:

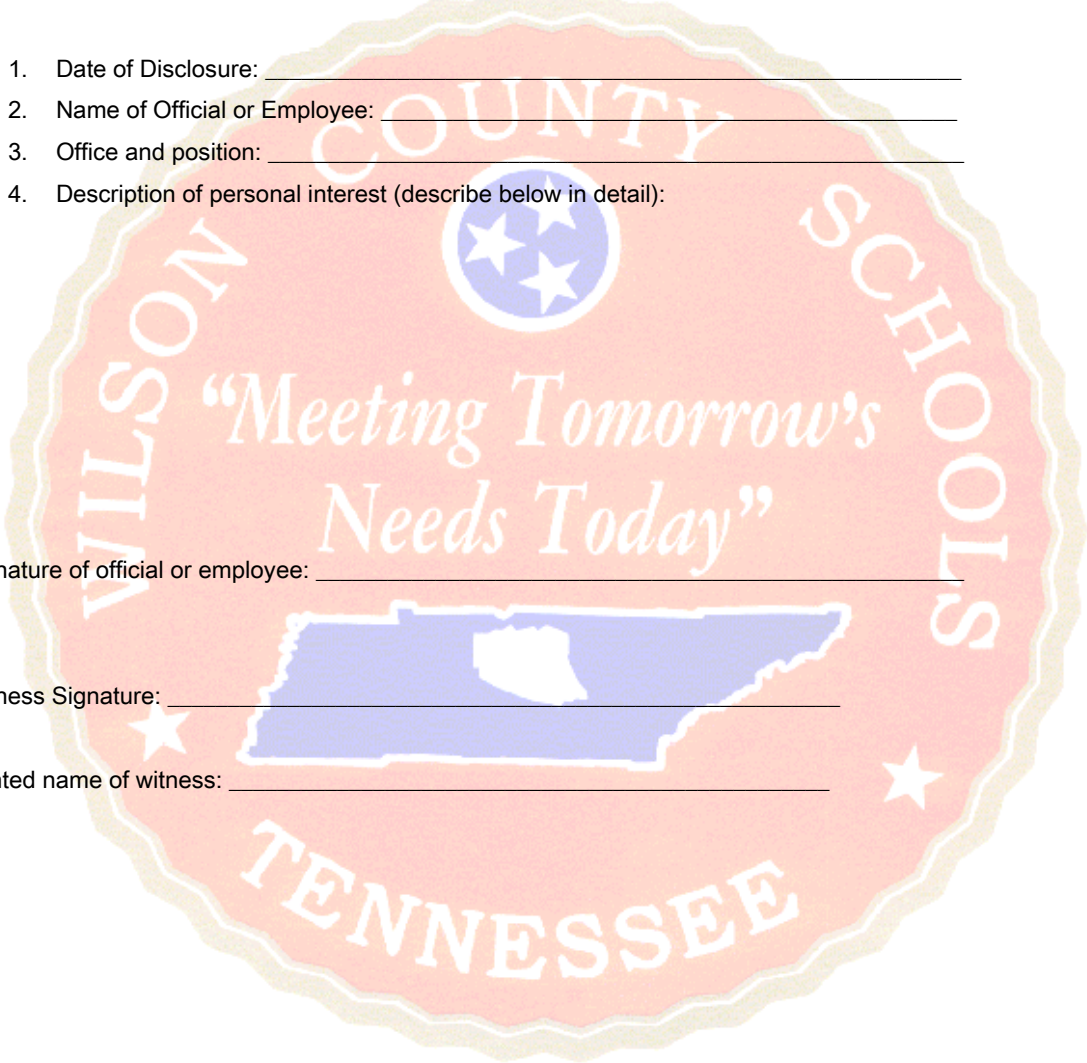
This form is for reporting personal interests required to be disclosed under Section 3 of the Code of Ethics of this school district. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

- 1. Date of Disclosure: _____
- 2. Name of Official or Employee: _____
- 3. Office and position: _____
- 4. Description of personal interest (describe below in detail):

Signature of official or employee: _____

Witness Signature: _____

Printed name of witness: _____



APPENDIX – Applicable State Laws

In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of elected officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in local government. This summary is not intended to be an exhaustive listing of all existing applicable State laws. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

Campaign Finance – TCA Title 2, Chapter 10, Part One (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part Three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of Interest – TCA § 12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of Interest – TCA § 49-6-2003 applies to the department of education in all counties and prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

Conflict of Interest – TCA § 5-1-125 applies in all counties and prohibits officials and employees from purchasing surplus school system property except where it is sold by public bid.

Conflict of Interest – TCA § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from having any financial or other personal beneficial interest in any contract or purchase of goods or services for any department or agency of the county.

Conflict of Interest – TCA § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits all county officials and employees from having any financial or other personal beneficial interest in the purchase of any supplies, materials or equipment for the county.

Conflict of Interest – TCA §§ 5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of county legislative bodies.

1 Conflict of Interest disclosure statements – TCA § 8-50-501 and the following sections require candidates and
2 appointees to local public offices to file a disclosure statement with the state ethics commission listing major
3 sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans,
4 and other information, and to keep these statements up to date.

5
6 Gifts – TCA § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits
7 the purchasing agent, members of the purchasing commission, and all county officials from receiving anything of
8 value, directly or indirectly, from anyone who may have or obtain a contract or purchase order with the county.

9
10 Gifts – TCA § 5-21-121 applies in counties that have adopted the County Financial Management System of
11 1981. It prohibits the finance director, purchasing agent, and employees in those departments from accepting
12 anything of value, directly or indirectly, from anyone who furnishes supplies, materials or equipment to the
13 county.

14
15 Honoraria – TCA § 2-10-116 prohibits elected officials from accepting an honorarium (including money or
16 anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in
17 their official capacity.

18
19 Fee Statutes – TCA §§ 8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized,
20 prohibit officials from requiring payment of fees in advance of performance of services except where specifically
21 authorized, and set penalties for charging excessive or unauthorized fees.

22
23 Consulting fee prohibition for elected county officials – TCA §§ 2-10-122 and 2-10-124 prohibit officials from
24 receiving compensation for advising and assisting a person or entity in influencing county legislative or
25 administrative action.

26
27 Crimes involving public officials – TCA § 39-16-101 and the following sections prohibit bribery, soliciting unlawful
28 compensation, and buying and selling in regard to offices.

29
30 Official misconduct – TCA § 39-16-402 applies to public servants and candidates for office and prohibits
31 unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to
32 perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a
33 benefit not provided by law.

34
35 Official oppression – TCA § 39-16-403 prohibits abuse of power by a public servant.

36
37 Bribery for votes – TCA §§ 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.

38

1 Misuse of official information – TCA § 39-16-404 prohibits a public servant from attaining a benefit or aiding
2 another person in attaining a benefit from information which was obtained in an official capacity and is not
3 available to the public.

4
5 Ouster Law – TCA § 8-47-101 sets out conduct that is punishable by ouster from office, including misconduct in
6 office and neglect of duty.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

