HUMAN RESOURCES

Conflict of Interest

I. Purpose

Prince William County Public Schools (PWCS) employees are subject to the provisions of the State and Local Government Conflict of Interests Act, the Virginia Public Procurement Act (VPPA), Ethics in Public Contracting, and this regulation, which define and prohibit inappropriate conflicts and requires disclosure of certain economic interests. In addition, PWCS employees are held to a high level of integrity and are expected to avoid the appearance of impropriety arising out of any conflict between their personal and/or economic interests and their official duties.

Employees shall not allow themselves to be placed in a position where a conflict of interest may arise, or where the appearance of a conflict of interest is created by reason of the acceptance of entertainment, gifts, favors of any kind, or situations which could result in the employee’s financial profit, nor shall employees place themselves in other situations which could influence, or appear to influence their judgment or the strict impartiality that must prevail in all relationships when the public interest is involved. Nor shall an employee engage in a financial or economic arrangement, or to act in a supervisory capacity for the private benefit or gain of the employee or the employee’s spouse, relative (son, daughter, mother, father, brother, sister, in-law, aunt, uncle, or first cousin), or anyone residing in the same household or with whom they have a consensual relationship of a sexual nature.

II. Compliance with Virginia’s State and Local Government Conflict of Interests Act

PWCS employees are required to read and be familiar with this regulation, and with Virginia’s State and Local Government Conflict of Interests Act (“the Act”). The Act and the Virginia Conflict of Interest and Ethics Advisory Council, which provides guidance on such issues as needed, may be accessed at http://ethics.dls.virginia.gov/.

A violation of the Act could result in civil or criminal penalties. A violation of the Act or this regulation may result in disciplinary action, up to and including termination, depending on the nature and severity of the offense.
A. Prohibited Conduct Under the Act

No PWCS employee shall:

1. Solicit or accept money or other thing(s) of value for services performed within the scope of his/her official duties, except the compensation, expenses, or other remuneration paid by the agency of which he/she is an officer or employee;

2. Offer or accept any money or other thing(s) of value for, or in consideration of, obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;

3. Offer or accept any money or other thing of value for, or in consideration of, the use of his/her position to obtain a contract for any person or business with any governmental or advisory agency;

4. Use for his/her own economic benefit or that of another party confidential information that he/she has acquired by reason of his/her position and which is not available to the public;

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him/her in the performance of his/her official duties;

6. Accept any business or professional opportunity when he/she knows that there is a reasonable likelihood that the opportunity is being afforded him/her to influence him/her in the performance of his/her official duties;

7. Accept a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor;

8. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his/her public office for private gain; and/or
9. Use his/her position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this subdivision shall not restrict the authority of any public employer to govern the conduct of its employees, and to take disciplinary action, in accordance with applicable law.

The Act does not prohibit or apply to the acceptance by a PWCS teacher or other employee of an award or payment in honor of meritorious services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

B. Conduct Prohibited by PWCS

No PWCS employee shall:

1. Take advantage of relationships with students, parents/guardians, employees, community partners, or others doing business with the School Division for personal benefit or to benefit another individual or entity;

2. Supervisors may not engage in a financial relationship with employees within their immediate supervisory chain for the private benefit or gain of the supervisor or the supervisor’s spouse, relative (son, daughter, mother, father, brother, sister, in-law, aunt, uncle, or first cousin), in-law, or anyone with whom they reside in the same household or with whom they have a consensual relationship of a sexual nature;

3. Employees may not be paid by anyone other than the Prince William County School Board for tutoring or providing instruction or other educational services to students assigned to their class, caseload, or roster, regardless of whether the tutoring or private instruction occurs on PWCS property or elsewhere. In addition, employees may not require their students to obtain a tutor for pay, regardless of who the tutor is or where the tutoring occurs. This does not preclude employees from tutoring their own students if the students are randomly assigned to the employee in a group setting through their employment with outside tutoring organizations, or through school-sponsored instructional and enrichment activities;
4. Employees whose official duties include coaching, training, instructing, or providing related services to students who participate or seek to participate on athletic teams or in other school-sponsored extracurricular activities shall not solicit, pressure, direct, or require PWCS students to participate in any outside coaching, training, instruction, or related services conducted by any business, organization, or other entity in which the employee has a personal interest. Employees with a personal interest in such a business organization or other entity shall complete Attachment A to this regulation, “Disclosure of Personal Interests and Commitment to Avoid Conflicts of Interest with Employment by the Prince William County Public Schools,” and shall take appropriate measures to ensure that they carry out all PWCS duties impartially and without favoritism;

5. Staff members providing private tutoring, coaching, or instruction for pay for any non-school entity do so as independent contractors, not as PWCS employees. Staff members may only receive compensation for tutoring or private instruction that occurs outside contract hours; and/or

6. Favoritism shall not be extended to any vendors, and, employees shall comply with all provisions of the VPPA, Ethics in Public Contracting, and those School Board policies and regulations implementing those acts, including Policy 114 “School Board Conflict of Interest,” and Regulation 470-1, “Purchasing.”

C. Personal Interest in a Contract

PWCS employees may not have a personal interest in a contract with the Prince William County School Board or any of its schools or departments other than their own contract of employment.

D. Personal Interest in a Transaction

1. Definition of Prohibited Transactions

A transaction is any matter considered by the School Board, its committees, subcommittees, task forces, schools, or departments in which official action is taken or contemplated. PWCS employees who have a personal interest in a transaction may be required to disqualify themselves from participating in
the transaction or, in the limited circumstances described below at subsections, 3(a) – 3(c), may participate in the transaction if they file the appropriate disclosure statements prescribed by the Act. A personal interest in a transaction means a personal interest of an employee in any matter considered by the School Board, its committees, subcommittees, task forces, schools, or departments. Such personal interest exists when an employee or a member of his/her immediate family has a personal interest in property or a business or governmental agency or represents or provides services to any individual or business. Such property, business or represented or served individual or business is (i) the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

2. Disqualification from Transaction

Unless otherwise permitted to participate under subsections 3(a) - 3(c), a PWCS employee who has a personal interest in a transaction shall disqualify himself or herself from participating in the transaction if the transaction has application solely to property or a business or governmental interest in which he/she has a personal interest or a business that has a parent-subsidiary or affiliated business relationship with the business in which he/she has a personal interest. In such case, the employee shall disclose his/her personal interest using Attachment B, Declaration of Interest and Disqualification Regarding a Transaction, and shall file the same with the Associate Superintendent for Human Resources, acting as designee of the Division Superintendent, who shall maintain the form for five years as required by the Act. The employee is prohibited from voting or in any way acting on behalf of PWCS in the transaction, from attending any portion of a closed meeting of the School Board or any of its committees, subcommittees, or task forces when the matter in which he/she has a personal interest is discussed, and from discussing the matter with other PWCS officers or employees at any time. In addition, a School Board member or PWCS employee with a personal interest in a procurement transaction may be prohibited from participation in that transaction under the VPPA, Ethics Public Contracting and School Board Policy 470.01, “Purchasing Authority and Responsibility,” and Regulation 470-1, “Purchasing.”
3. Ability to Participate in Transaction (Exceptions)
A PWCS employee who has a personal interest in a transaction may participate in the transaction:

a. If he/she is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction, and he/she files with the Associate Superintendent for Human Resources (as designee of the Division Superintendent) prior to, or within one business day of the transaction, Section A of the Disclosure Form which is Attachment C to this regulation, “Declaration of Interest Regarding a Transaction.”

b. When a party to the transaction is a client of his/her firm if he/she does not personally represent or provide services to such client and he/she declares such interest by filing with the Associate Superintendent for Human Resources (as designee of the Division Superintendent) prior to, or within one business day of the transaction, Section B of Attachment C to this regulation, “Declaration of Interest Regarding a Transaction.”

c. If it affects the public generally, even though his/her personal interest, as a member of the public, may also be affected by that transaction.

E. Disclosure Requirements

In any case where an employee has a potential or actual conflict of interest as defined in this regulation, the employee must adhere to the following:

1. Comply with all applicable provisions of this regulation and the “Code of Virginia,” and disqualify him or herself as required;

2. Provide full, prior disclosure of any potential conflict of interest. File a copy of the public disclosure with the Division Superintendent through the Associate Superintendent for Human Resources;

3. Comply fully with the purchasing regulations prescribed by the Commonwealth of Virginia and the Prince William County School Board and all requirements of the VPPA, Ethics in Public Contracting; and/or
4. Take appropriate measures to ensure the proposed conflict in no way impairs the ability of the employee to carry out his/her contractual duties with the Prince William County School Board.

The Associate Superintendent for Human Resources (or designee) is responsible for implementing and monitoring this regulation.

This regulation and any related policy shall be reviewed at least every five years and revised as needed.