

ETHICS DOCUMENT
Allegany County Board of Education

A. ETHICS PANEL

1. MEMBERSHIP

The Allegany County Board of Education Ethics Panel shall consist of five members, who:

- a. shall be residents of Allegany County;
- b. shall not be members of the Board of Education, subject to the Board's control, an employee of the Board, employed by a business entity subject to the authority of the Board, or a spouse of any Board member;
- c. shall be appointed by the Board of Education;
- d. shall be replaced in the event of death or resignation by a majority vote of the members of the Board of Education;
- e. shall be insulated from any personal, civil liability for their individual or joint actions while performing their duties as Ethics Panel members provided that all acts and duties are performed in "good faith" in arriving at any panel decision;
- f. shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the Board of Education budget.

2. TERMS OF MEMBERSHIP

- a. Members shall serve for overlapping terms of five years or until their successors are appointed.
- b. A member whose term is expiring may apply for reappointment for a second term.
- c. After serving two terms, a member may be reappointed after sitting out for one year.
- d. A vacancy for an unexpired term shall be filled in the same manner as the original appointment.

3. CRITERIA FOR SELECTION OF ETHICS PANEL MEMBERS

- a. Resident of Allegany County
- b. Not a member of the Board of Education, subject to the Board's control, employee of the Board, employee of a business entity subject to the authority of the Board, or spouse of a Board member.
- c. In addition to 3a and 3b above, the Board will consider the following in selecting members of the Ethics Panel:
 - i. Balance the Ethics Panel with respect to gender, demographic makeup of the community, and educators/non-educators; and
 - ii. Give preference to applicants who show a genuine interest in the public school system and all children who indicate a willingness to devote the necessary time to function effectively on the Ethics Panel, who can work effectively as team members who reflect an ability to think and act objectively and independently, and who demonstrate an understanding of the responsibilities of the Ethics Panel.

4. PROCEDURES FOR FILLING VACANCIES

- a. In early April of each year, the Board of Education will serve public notice of vacancies on the Ethics Panel through the local newspaper and radio announcements. These notices will include a description of Ethics Panel responsibilities, criteria for membership, and procedures for application.
- b. The deadline for application will be the first working day of May.

- c. The application form (see Attachment 1) will be available at the Board and may be obtained in person or sent to those requesting by phone.
- d. Applications will be forwarded to the Ethics Panel for review at their May meeting.
- e. The Ethics Panel will screen applications to determine which applicants have met the selection criteria, recommend those who seem most highly qualified to the Board of Education. All other applications will be forwarded to the Board of Education as well as those recommended by the Ethics Panel.
- f. The Board of Education will complete the selection process at their June meeting, notify all applicants of their decision, and notify the Ethics Panel of those selected.
- g. New members of the Ethics Panel will begin their service at the September meeting following their selection.

5. RESPONSIBILITIES

The Ethics Panel shall have the following responsibilities:

- a. devise, receive, and maintain all forms generated by the Ethics Regulations;
- b. provides advisory opinions to persons subject to the Ethics Regulations as to the applicability of these regulations to them;
- c. process and make determinations as to complaints filed by any person alleging violations of the Ethics Regulations;
- d. refer findings regarding complaints and other enforcement matters to the Board of Education for action;
- e. conducts an information program regarding the purposes and application of the Ethics Regulations.

6. OFFICERS

At the first quarterly meeting of the school year, the Ethics Panel shall designate a Chairperson who will call meetings and preside at meetings and who shall appoint a secretary to keep accurate records of the meetings

7. MEETING

The Ethics Panel will convene quarterly or on an "as-needed" basis.

8. BOARD SUPPORT

- a. The Ethics Panel shall be assisted in carrying out its responsibilities by the Board Attorney.
- b. The Executive Assistant to the Superintendent and the Board of Education shall provide administrative assistance as necessary and maintain a confidential file for the Ethics Panel.

9. ADVISORY OPINIONS

- a. Any official or other person subject to the provisions of the Ethics Document may request the Ethics Panel to render an advisory opinion concerning the application of these regulations.
- b. The Ethics Panel shall respond promptly and confidentially to such requests and provide interpretations of the Ethics Regulations based on the facts that are provided or reasonably made available.

10. FORMAL COMPLAINTS

- a. Any complainant may file with the Ethics Panel a complaint form (Attachment 2), available from the Ethics Panel. Requests for this form, by any complainant, will be held strictly confidential.
- b. A complaint may be referred by the Ethics Panel to the Board Attorney or other legal counsel, if appropriate, for investigation and review.

- c. Following due process all information will be kept confidential.
- d. If after receiving an investigative report the Ethics Panel determines that there are insufficient facts upon which to base a determination of a violation, it may dismiss the complaint.
- e. If there is a reasonable basis for believing a violation has occurred, then the subject of the complaint or the person likely to be impacted by the result of the complaint shall be afforded an opportunity for a hearing before the Ethics Panel.
- f. Upon receipt of a complaint, the Ethics Panel shall within ten (10) working days notify the parties involved of a hearing date. Said hearing date shall be within thirty (30) calendar days of receipt of the complaint. Parties involved may request that the hearing date be rescheduled, however, the hearing date may only be rescheduled by the Ethics Panel upon good cause.

11. HEARINGS

- a. For purposes of the hearings related to alleged violations of the Ethics Regulations, the Ethics Panel will act as the hearing examiner and conduct the hearing. For purposes of the hearing, the Chairperson of the Ethics Panel or the Chairperson's designee shall conduct the hearing. The Ethics Panel will be advised by the Board Attorney regarding the rule on motions, objections, and issues of law.
- b. Hearings shall be held during regular working hours to the extent possible.
- c. Hearings shall be held in closed session of the Ethics Panel.
- d. Hearings shall be quasi-judicial in nature and conducted in accordance with recognized principles of administrative due process.
- e. All evidence will be presented on the record and a written transcript of the hearing will be produced.
- f. All testimony will be taken under oath and all parties will be provided with the right to cross-examine witnesses.
- g. The Ethics Panel will have the right to call any employee of the Board of Education to appear at any meeting or hearing. The Ethics Panel will have the right to have copies produced of any relevant document, paper, or other tangible object in the possession of the Allegany County Public Schools and/or the Board of Education.
- h. The Ethics Panel will produce a written report to the Board of Education within ten (10) working days following the hearing. The report will state, where appropriate, that the complaint was dismissed, that a determination was reached, that a violation of the Ethics Regulations had occurred, or that evidence was inconclusive and the Panel was unable to reach a final determination.
- i. Any final determination resulting from the hearing will include written findings of fact, a statement of alleged violation, a conclusion of law, and may include recommendations for corrective action, disciplinary or other appropriate personnel action or termination.

B. ETHICS REGULATIONS

The provisions of these regulations apply to all school officials and employees of the Allegany County, Maryland, School System.

1. CONFLICTS OF INTEREST

Board of Education officials and employees who are subject to these regulations shall not:

- a. participates on behalf of the school system in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse, child, parent, sibling, or a business entity with which they are affiliated;
- b. holds an interest in a business which is under the authority of the school system or which is negotiating a contract with the school system that totals more than 5% of the assets of the employee, or 5% of the business entity.
- c. holds any outside employment relationship that would impair their impartiality or independence of judgment;
- d. represents any party, for a contingent fee, before the school system;

- e. act as a compensated representative of another in connection with any specific matter in which he/she participated substantially as a school official or employee within one (1) year following termination of the school system service;
- f. solicits any gift or accept gifts of greater than \$50.00 in value from any person that is under the authority of the school system or that has or is negotiating a contract with the school system, except where such gifts would not present a conflict of interest as determined by the Ethics Panel;

Note: The term "gift" includes the transfer of any service or thing of economic value regardless of form without adequate and lawful consideration, except for the solicitation or receipt of political campaign contributions regulated in accordance with the provisions of Article 33, Section 26-1 et seq. (Fair Election Practices) Annotated Code of Maryland, as amended.

- g. uses the prestige of their offices for their own benefit or that of another; or
- h. uses confidential information acquired in their official school system position for their own benefit or that of another.

2. FINANCIAL DISCLOSURE

- a. The school officials listed in subsection (c) of this section shall file annually, no later than January 31 of each calendar year during which they hold office, a statement with the Ethics Panel disclosing any gifts received during the preceding calendar year from any person under the authority of the school system or having a contract with the school system. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.
- b. Candidates for elective Board of Education offices listed in subsection (c) of this section shall file statements consistent with the requirements of subsection (a) of this section at the time they file their certificate of candidacy.
- c. Officials required to file:
 - 1. Members of the Board of Education of Allegany County
 - 2. Candidates for Elected Board of Education
 - 3. Superintendent of Schools
 - 4. Deputy Superintendent of Schools
 - 5. All Department Supervisors
 - 6. Principals of all Schools
 - 7. Supervisors of Food Service, Plant Operations, and Maintenance
 - 8. All other persons employed by the Board of Education who have the ability to draw checks on the said Board in an amount over \$250.00
 - 9. Supervisors of Data Processing, Personnel, Fiscal Affairs, Transportation, Building Facilities Coordinator, Pupil Personnel, etc.
 - 10. All Assistant Supervisors
- d. All school officials or candidates for elective office to position subject to this section shall file a statement with the Ethics Panel disclosing any interest or employment, the holding of which would require disqualification from participation pursuant to Section B 1(a) of these Regulations, sufficiently in advance of any anticipated action to allow adequate disclosure to the public.
- e. Disclosure statements filed pursuant to this section shall be maintained by the Ethics Panel as public records available for public inspection and copying.

3. LOBBYING DISCLOSURE

- a. Any Person who personally appears before any school official or employee with the intent to influence that person in performance of his/her official duties, and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of \$100 on food, entertainment, or other gifts for such official, shall file a registration statement

- with the Ethics Panel no later than January 15 of the calendar year or within five (5) days after first making such appearances.
- b. The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make such appearances and shall cover a defined registration period not to exceed one calendar year.
 - c. Registrants under this section shall file a report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment, or other gift provided to a school official or employee. Where a gift or series of gifts to a single official or employee exceeds \$50.00 in value, the official or employee shall also be identified.
 - d. The registrations and reports filed pursuant to this section shall be maintained by the Ethics Panel as public records available for public inspection and copying.

4. SANCTIONS

- a. Violation by any school official or employee of the provisions included in this document shall constitute grounds for discipline or personnel action or removal from office where provided by law, consistent with procedures set forth in Section 3-201 (Board Members), Section 4-201 (Superintendent), and Section 6-202 (Professional Staff) of the education provision of the Public-School Laws of Maryland, the By-Laws of Maryland, and the Board of Education of Allegany County. (Annotated Code of Maryland as Amended)