

**WASHINGTON COUNTY BOARD OF EDUCATION UPDATED
ETHICS POLICY, ADMINISTRATIVE REGULATION, AND EXHIBITS – 2018
FREQUENTLY ASKED QUESTIONS**

Q: What is the purpose of the Public Ethics Law?

A: The Law, set forth in the *Maryland Annotated Code*, State Government Article, Sections 15-101 through 15-1001, was enacted for the following purposes:

1. To assure the people of the impartiality and independent judgment of officials and employees.
2. To avoid improper influence or even the appearance of improper influence.
3. To require officials and employees to disclose financial affairs and to meet minimum standards of ethical conduct.

Q: Is the Washington County Board of Education required to have an ethics policy?

A: Yes; all boards of education in the State of Maryland are required by Maryland law to have an ethics policy.

Q: Does the Washington County Board of Education have an ethics policy?

A: Yes; the Washington County Board of Education has an ethics policy in place that has been approved by the Board of Education and the State of Maryland’s State Ethics Commission.

Q: Why did the Washington County Board of Education update its ethics policy?

A: As the result of the passage of a new law and the adoption of new administrative regulations by the State Ethics Commission since the adoption in 2012, it was necessary to update the Board of Education’s policy.

Q: Who does the ethics policy apply to?

A: It applies to all employees of the school system, the superintendent of schools, school board members, individuals seeking a position as a school board member, lobbyists, and persons who file a formal complaint pursuant to the ethics code.

Q: Where can I find more information about the Board of Education’s ethics policy?

A: More information is available on the page you are currently viewing. You will find the following information on this webpage:

- Policy BBFE—*Ethics*
- Administrative Regulation BBFE-R—*Ethics Regulations*
- Exhibit BBFE-E(1)—*Ethics Complaint Reporting Form*
- Exhibit BBFE-E(2)—*Lobbying Registration Form and Lobbying Activity Report*

- Exhibit BBFE-E(3)—*Financial Disclosure Form A* (Superintendent and School Board members)
- Exhibit BBFE-E(4)—*Financial Disclosure Form B* (Administrators and Supervisors)
- Exhibit BBFE-E(5) – *Application to Request an Advisory Opinion*

Q: What should I do if I have an ethics complaint?

A: An individual who has an ethics complaint must complete the Ethics Complaint Form (Exhibit BBFE-E(1)). The ethics policy sets forth a step-by-step process for administering an ethics complaint.

Q: Do all school employees have to file a financial disclosure statement?

A: No.

Q: Who must file a financial disclosure statement?

1. The following employees and officials must complete Financial Disclosure Form A:
 - a. Elected Board of Education members
 - b. Newly elected Board of Education members (statement must be filed within fourteen (14) days of being sworn-in as a Board of Education member and by April 30 of each year thereafter)
 - c. Those seeking to serve as a Board of Education member whether by election or an appointment to a vacant position
 - d. Superintendent
 - e. Board of Education Attorney
 - f. Deputy Superintendent
 - g. Chief Operating Officer
 - h. Associate Superintendent for Curriculum and Instruction
 - i. Supervisor of Purchasing
2. The following employees must complete Financial Disclosure Form B:
 - a. Principals
 - b. Assistant Principals

- c. Any official or employee who has responsibility for preparing, approving, or auditing, or who has the authority to commit the school system to rent, purchase, or lease any of the following items with an aggregate value of \$100,000.00 in any fiscal year:
 - (1) Personal service contracts
 - (2) Specifications for materials, supplies, or equipment
 - (3) Requests for proposals or bids
- d. Any official or employee who, acting alone or as a member or an employee of the Board of Education or school system, having decision-making authority or acting as a principal advisor to a person with that authority in making school system or school board policy or exercising quasi-judicial regulatory, licensing, inspecting, or auditing functions.

Q: When are financial disclosure statements to be filed?

A: Financial disclosure forms must be filed by April 30th.

Q: How is the term “qualified relative” defined?

A: “Qualified relative” means a spouse, parent, child, or sibling.

Q: What type of activity is prohibited under the ethics policy?

A: The ethics policy contains the following general types of prohibitions:

1. An official may not participate in any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest. An official may not participate in any matter in which any of the following is a party:
 - A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know.
 - A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee.
 - A business entity with which the official or, to the knowledge of the official, a qualified relative of the official is negotiating or has any arrangement concerning prospective employment.
 - A business entity that is a party to an existing contract with the official or which, to the knowledge of the official, a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board of Education duties of the official.
 - An entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
 - A business entity that:

- The official knows is a creditor or obligee of the official or a qualified relative of the official with respect to an item of economic value; and
 - As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.
2. An official may not be employed by or have a financial interest in an entity that is subject to the authority of the school system or Board of Education or is negotiating or has entered into a contract with the school system or Board of Education. An official may not hold any other employment relationship that would impair the impartiality or independence of judgment of the official.
 3. A former official may not assist or represent any party other than the Board of Education or school system for compensation in a case, contract, or other specific matter involving the Board of Education or the school system if that matter is one in which the former official significantly participated as an official.
 4. An official may not assist or represent party for contingent compensation in any matter before or involving the Board of Education or the school system.
 5. An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.
 6. An official may not directly solicit or facilitate the solicitation of a gift on behalf of himself/herself or on behalf of another person. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know is doing business with or seeking to do business with the school system or Board of Education; is subject to the authority of the school system or Board of Education; is a regulated lobbyist with respect to matters within the jurisdiction of the official; or has financial interests that may be substantially and materially affected, in a manner distinguishable from the public general, by the performance or nonperformance of the school system duties of the official.
 7. Other than in the discharge of his/her official duties, an official may not disclose or use confidential information that the official acquired by reason of the official's public position and that is not available to the public for the economic or personal benefit of the official or the economic or personal benefit of the official or the economic or personal benefit of another person.
 8. An individual or person that employs an individual who assists a school system or Board of Education in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
 9. A Board of Education member may not participate in a decision to hire, transfer, promote, sever employment, or otherwise take individual personnel action regarding the Board of Education member's spouse, parent, child, brother, or sister whether or not the family member resides in the Board of Education member's household.

10. A Board of Education member or employee engaged in outside employment may not benefit from business with the school system or from relationships with students; represent any party before the school system; or use confidential information acquired in his or her official school system positions for personal benefit or that of another.
11. Employees with instructional responsibilities shall not tutor any student whom he or she is currently teaching for compensation other than from public funds administered by the school system.

Q: Is there an ethics panel and if so, what is its role?

A: Yes; the Ethics Advisory Panel has the following responsibilities:

1. Devise, receive, and maintain all forms required by the ethics regulations.
2. Provide advisory opinions to persons subject to the ethics regulations regarding the applicability of these provisions to them.
3. Review, process, make determinations, and, if necessary, conduct a hearing on advice of the Board of Education's Attorney (or other legal counsel if appropriate), of any complaint filed regarding an alleged violation of the ethics regulations by any person.
4. Refer findings regarding complaints and other enforcement matters to the Board of Education.
5. Conduct, with the guidance of the Board of Education Attorney, an information program regarding the purposes and application of the ethics policy and regulations.

Q: How do I request an advisory opinion?

A: To request an advisory opinion, an Application to Request an Advisory Opinion (see Exhibit BBFE-E(5)) must be completed and submitted to counsel to the Ethics Advisory Panel at 10435 Downsville Pike, Hagerstown, Maryland 21740.

Q: Are there consequences if an individual who is subject to the ethics policy violates the policy?

A: Yes; the ethics policy authorizes the Board of Education to impose sanctions for violations of its ethics policy.

Q: If I have questions about the ethics policy, where may I submit these questions?

A: You may submit questions, in writing, to the attention of Counsel to the Ethics Advisory Panel, Anthony J. Trotta, Esquire, 10435 Downsville Pike, Hagerstown, Maryland 21740, trottant@wcps.k12.md.us.