

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ABA-RB, AFA-RA, BBB, CNA-RA, DJA-RA, GAA, GGA-RA, IGK-RB, IGT-RA, KGA-RA

Responsible Office: Chief Operating Officer
Chief Academic Officer
Deputy Superintendent of School Support and Improvement

Employee Conflict of Interest

I. PURPOSE

Montgomery County Public Schools (MCPS) is committed to the highest standards of ethical conduct and professionalism. This regulation sets forth expectations (in addition to those specifically addressed in Maryland ethics law and Montgomery County Board of Education Policy BBB, *Ethics*) and clarifies guidelines for MCPS employees to avoid conflicts of interest in their conduct and action to be taken in the event of a potential conflict of interest.

II. BACKGROUND

- A. All employees are expected to interact with all students, parents/guardians, colleagues at all levels, and the community with the utmost integrity and professionalism.
- B. MCPS employees are expected to be knowledgeable about and conduct themselves in accordance with this regulation and Board Policy BBB, *Ethics*, and to assume responsibility for ensuring that their behavior and activities are consistent with the policies of the Board and do not constitute a conflict of interest, in order to:
 - 1. Promote the highest public confidence in the impartiality and independent judgment of MCPS employees in the discharge of their duties; and
 - 2. Appropriately use MCPS resources to execute their duties for the public good.

- C. It is a conflict of interest for an employee to
 - 1. take advantage of relationships with students, parents/guardians, employees, or others doing business with the school system for personal benefit or to benefit another individual or entity, or
 - 2. use their position, MCPS resources, and/or confidential or proprietary information acquired in their official school system position for personal benefit or to benefit another individual or entity.
- D. Employees are encouraged to disclose potential conflicts of interest in advance or seek prior guidance regarding conduct about which there may be potential concerns.
- E. Not all conflicts of interest are expressly referenced in this regulation. For instances not specifically covered by this regulation, or if there is a question of interpretation, a request for guidance should be made to
 - 1. the employee's principal or supervisor, as applicable; then
 - 2. to the chief operating officer/designee if principals or supervisors have further questions, or, to the ethics officer according to the processes set forth in Policy BBB, *Ethics*, if the issue in question is covered by Board Policy BBB.

III. DEFINITIONS

- A. *Immediate supervisory chain* means employees for whom one has responsibility for directing or overseeing the daily activities, and/or for evaluating an employee or conducting observations that would lead to an evaluation.
- B. MCPS *resources* are items purchased with public funds and owned and/or operated by MCPS, including, but not limited to facilities, including schools; vehicles; equipment; supplies; and intellectual property, including curricula and/or other proprietary or confidential information.

IV. GUIDELINES FOR AVOIDING CONFLICT OF INTEREST

- A. Supervisory Expectations
 - 1. Employees With Supervisory Roles

MCPS employees in supervisory or leadership positions may not supervise within their immediate supervisory chain a spouse, relative¹, in-law, or any employee with whom they have a sexual and/or romantic relationship. An MCPS employee may not supervise within their immediate supervisory chain a vendor or contractor who is a spouse, relative, in-law, or anyone with whom they have a sexual and/or romantic relationship.

- a) MCPS supervisors, administrators, or designated leaders must notify their direct supervisor, who in turn must notify the Office of Employee Engagement and Labor Relations if a situation arises by which they would be in a position of supervising a spouse, relative, in-law, or someone with whom they have a sexual and/or romantic relationship.
 - b) Action will then be taken by the appropriate executive staff member to ensure that supervisory responsibilities for the employee are reassigned to another supervisor, or one of the employees may be reassigned as the needs of the school or office requires.
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, in-law, or anyone with whom they have a sexual and/or romantic relationship.

B. Children of Employees in School

1. A child should attend a school where a parent or relative is employed only if the child's bona fide residence is within the school boundaries, the child has an approved Change of School Assignment (COSA), or non-residency attendance has been approved and tuition has been paid or waived. Approval of such requests will move forward only if other options do not exist and it is determined by the supervisor that no conflict of interest exists.
2. Whenever possible, decision making or professional input about the child will be deferred to the supervisor of the employee in order to avoid any actual or perceived conflict between the employee's relationship to the child and the employee's job responsibilities.

¹ "Relative" includes a domestic partner or child.

3. The child should not be assigned to the parent's/guardian's or relative's classroom unless no other options exist. If no other options exist, a plan for the child will be developed with the employee, his or her supervisor, and school administrator.
- C. Use of Persons, Money, Property, or other MCPS Resources for Personal Benefit or Gain
1. MCPS employees shall not use any person, money, property, or other MCPS resources under their official control or direction, or in their official custody, for personal benefit or gain, or for the personal benefit or gain of another individual or entity, except employees may make occasional or limited use of MCPS equipment or facilities for their personal benefit if—
 - a) the cost of the use to MCPS is negligible,
 - b) the use does not interfere with the employee's official duties or with another employee's performance of official duties, and
 - c) the use does not conflict with any other Board policy or MCPS regulation.
 2. Absent prior agreement by the Chief Operating Officer or designee, MCPS vehicles should be used while on MCPS business only. Other MCPS equipment that may be used for MCPS business only include machine tools, cleaning and painting equipment, and any other items that would wear out with use.
- D. Employment
1. Outside Employment/Employment Outside the Duty Day
 - a) General - It is recognized that certain time requirements in addition to the normal work day may be made upon all professional personnel to fulfill job responsibilities. These requirements take priority at all times.

Outside employment that occurs during hours not required to fulfill MCPS responsibilities and does not violate this regulation or Board Policy BBB, *Ethics*, may not constitute a conflict of interest.

- b) School-related - MCPS employees shall not accept payment from an organization other than the Board to conduct school-related activities, for which parents must pay a fee, for students who attend, or can reasonably be expected to attend, the employee's assigned school(s), unless paid at the same rate as that applicable to stipends. This includes, but is not limited to, drama, dance, or music classes or performances.
- c) Non-school related - MCPS employees may not engage in instruction of students who attend, or can be reasonably expected to attend, the school(s) to which the employee is assigned, when the activity is not school-related, takes place before or after school at the school(s) to which the employee is assigned, and for which the parents must pay a fee.

Exemptions may be approved by the superintendent/designee on a case-by-case basis consistent with terms of partnership agreements, established between MCPS and outside entities, that support the educational mission of MCPS and provided that staff who engage in such instruction may not be involved in the process by which students are referred to the program.

2. Employment While on Leave

An employee who is on leave from MCPS, in a paid or unpaid status, may not be employed by MCPS in any capacity during the period of leave except with the written authorization of the chief operating officer/designee.

3. Tutoring and Summer Camps

a) Tutoring

Tutoring is additional, special, or remedial instruction that occurs outside the regular school day for payment. (See also MCPS Regulation ABA-RB, *School Visitors*)

- (1) Tutoring must occur outside of the employee's hours of duty.
- (2) An MCPS employee may not tutor students who attend, or can be reasonably expected to attend, a school at which the employee works.

- (3) Exemptions may be approved by the superintendent of schools/designee on a case-by-case basis —
 - (a) during the summer in programs for children with disabilities in which the number of specialized staff members are few, when a written request from parents/guardians for such summer tutoring is approved by the associate superintendent within the Office of School Support and Improvement/designee, the associate superintendent for special education /designee, and the principal, or
 - (b) consistent with terms of partnership agreements, established between MCPS and outside entities, that support the educational mission of MCPS and provided that staff who tutor may not be involved in the process by which students are referred to the program.
- (4) Employees may not receive compensation from a non-MCPS entity or individual to prepare students to take an examination for admission into a MCPS program.
- (5) MCPS employees who wish to provide tutoring services on MCPS property must comply with MCPS Regulation KGA-RA, *Community Use of Public Schools*.

b) Summer Camps and Before- or After-school Activities

- (1) School-sponsored summer camps and before- or after-school activities

Employees must follow the *Guidelines for Montgomery County Public Schools Conducting Summer Camps/Programs/Activities* and applicable sections of the *MCPS Athletic Handbook and Maryland Public Secondary Schools Athletic Association Handbook*.

- (2) Non-school sponsored summer camps and before- or after-school activities:
 - (a) Employees may not teach at any sports camp or skills building camp, or before- or after-school activities,

students who are attending or can reasonably be expected to attend the school where that employee teaches, coaches a team in the same sport or participates in the selection of student members of any competitively selected group.

- (b) Employees must apply through Community Use of Public Facilities for use of a school facility or school grounds.
- (c) Employees may not use school equipment and supplies except to the extent that all community use of public facilities users are allowed to do so.

E. Development of Materials

Supplies, Equipment, or Materials Created by an Employee

1. Procurement by MCPS

Supplies, equipment, or materials created by employees wholly independently from their employment with MCPS; unconnected to their job responsibilities; and without use of MCPS resources, time, or materials; may be purchased by MCPS on the same basis as any other item.

- a) Employee-created supplies, equipment, or materials must be selected and approved for procurement in compliance with Board Policy BBB, *Ethics*, and all other established procedures.
- b) The fact that the item was created by a current or former employee shall not be considered as a factor for or against its selection.

2. In order to avoid conflicts of interest, employees shall recuse themselves from participating in any procurement decision, selection, or other decision-making process from which they or a spouse, relative, in-law, or anyone with whom they have a sexual and/or romantic relationship may personally benefit.

3. Property of MCPS

- a) Supplies, equipment, or materials created alone by an employee of MCPS, or created in association with other employees, for which time, facilities, materials, or resources of MCPS have been used or

which were created as part of the employee's job responsibilities, are the property of MCPS.

- b) In a situation in which the activity is partially private and partially public, specific arrangements must be approved in advance by the chief operating officer/designee, regardless of whether royalties are paid.

F. Uses of Proprietary or Confidential Information

1. No employee is permitted to compile lists of student and/or parent/guardian information available through their position, for any other person or commercial enterprise, except as permitted under MCPS Regulation JOA-RA, *Student Records* and MCPS Regulation AFA-RA, *Research and Other Data Collection Activities in Montgomery County Public Schools*.
2. Employees may not disclose or use proprietary information acquired by reason of their employment with MCPS that is not available to the public. Any exceptions must be approved in advance in writing by the chief operating officer/designee.

V. VIOLATION

An alleged violation of this regulation is cause for an immediate investigation by the chief operating officer/designee. If it is determined that an employee has violated this regulation, the employee may be disciplined, including reprimand, suspension, or termination, in accordance with applicable laws, Board policies, MCPS regulations, and the MCPS Employee Code of Conduct.

Related Sources: Annotated Code of Maryland, Maryland Public Ethics Law Article, Subtitle 8; Code of Maryland Regulations, §13A.06.03.04.G; MCPS Employee Code of Conduct; Handbook of the Maryland Public Secondary Schools Athletic Association; Guidelines for Montgomery County Public Schools Conducting Summer Camps/Programs/Activities

Regulation History: Formerly Regulation No. 490-1, December 29, 1978 (directory information updated); revised November 16, 2000; revised April 9, 2002; revised April 17, 2013; revised July 31, 2017.