



# Southland Public Schools

All Southland Public Schools (SPS) employees are required to abide by all federal, state and local government laws. SPS employees must also maintain the highest level of honesty, integrity, and impartiality in their conduct as it relates to ethics, conflicts of interests and the acceptance of gifts. This ensures that all actions of, and work performed by, SPS employees are transparent and ensures any actual or perceived misconduct or conflict of interest will be avoided. Although certain behavior may not break any particular law or may not be in violation of any strict interpretation of the law, certain behavior is not acceptable by SPS.

## Persons Covered

This policy applies to all SPS employees. All SPS employees, officers and agents must comply with the standards described herein and in any other additional SPS documents pertaining to conflicts of interest and ethics.

## Employee Responsibilities:

SPS employees must avoid any action, whether or not specifically prohibited by this policy or departmental code of ethics, which might result in or create the appearance of:

- Using their position in SPS for private gain;
- Providing preferential treatment to any person or business entity;
- Discriminating against any person or business entity;
- A lack of sobriety or placing one's self in a compromising or unseemly situation;
- Losing the ability to make decisions that are independent and impartial;
- Making a decision that does not follow approved guidelines and that is not in the best interest of SPS;
- Affecting adversely the confidence of the public in the integrity of SPS; and/or
- Reducing the operational efficiencies or economies of SPS.

**Date Updated**  
June 2023

**Revision History**  
November 2015

**Review**  
Bi-Annually

**Date Last Reviewed**  
June 2021

## **Ethics, Conflicts of Interest and Acceptance of Gifts**

Each employee is responsible for the maintenance, integrity and accuracy of SPS documents and records in order to comply with all regulatory and legal requirements and also to ensure records are available to support SPS business practices and actions.

### **Questions on Interpretation of this Policy**

When an SPS employee is in doubt as to the proper interpretation of this policy, he or she is expected to consult and seek the advice of his or her supervisor and/or the SPS Director of Purchasing.

### **Responsibilities of the Supervisor**

Each SPS employee who acts in a supervisory capacity is responsible for ensuring compliance with this policy by those employees in his or her line of authority. Should such a supervisory SPS employee become aware of a potential or real violation of this Policy by an employee outside of his or her line of authority, that supervisory employee must report and disclose the real or potential violation to the SPS Director of Purchasing.

### **Consequences of Policy Violation**

Any SPS employee who violates the provisions of this Policy is subject to:

- Disciplinary action, up to and including termination from employment under the processes defined in the SPS Support Employee Handbook (for Support Employees) and in T.C.A. § 49-5-511 (for Certificated Employees);
- Personal liability to SPS; and
- Referral to appropriate law enforcement authorities if criminal actions are involved or suspected of being involved.

### **Conflicts of Interest**

SPS prohibits any employee, officer or agent of SPS to participate in the selection, award or administration of a purchase or contract if a conflict of interest, real or apparent, would be involved. According to Education Department General Administrative Regulations (EDGAR) at 2 C.F.R. 200.318(c)(1), no employee, officer or agent of SPS shall participate in selection, award, or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. No SPS employee shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to subagreements. Such a conflict of interest arises when:

- The employee, officer or agent,
- Any member of his/her immediate family,
- His/her partner, or

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- An organization which employs or is about to employ any of the above parties, has a financial or other interest in or other tangible personal benefit from a firm considered or selected for the award or contract.

Any SPS employee, officer or agent responsible for reviewing and evaluating applications, proposals or other documents related to awarding funds must promptly disclose any conflict of interest to the SPS Director of Purchasing, who will review the disclosed potential conflict of interest and take any action(s) deemed appropriate or required to address, manage or resolve the matter. If the SPS Director of Purchasing is involved in the reported conflict, the individual reporting the potential conflict should disclose it to the SPS Chief Financial Officer. If appropriate, these disclosures and conflicts will be reported to the Metropolitan Attorney assigned to SPS, who may determine whether additional actions or sanctions should be recommended or implemented.

Under certain circumstances, it may be necessary for an individual to recuse himself or herself from participating in any actions related to a purchase or contract award where a conflict may exist. After disclosing a possible conflict of interest, the SPS Director of Purchasing will make a decision about the circumstances surrounding the potential conflict and may approve or waive it. Upon the decision by the SPS Director of Purchasing, or if the individual(s) involved believe(s) it is appropriate or necessary, the SPS employee, officer or agent should immediately recuse himself or herself from participating in the award and may not be privy to any nonpublic information relating to the award. The recusal of any individual must be documented in the official files maintained for the award.

Any circumstances or situations that present an actual conflict of interest, or the appearance of a conflict of interest, must be brought to the immediate attention of the employee's supervisor for investigation and appropriate action. Personnel responsible for reviewing and evaluating applications, proposals, or other documents related to awarding funds will be trained on this conflict of interest policy, including what a conflict of interest is and when it may arise. Upon understanding SPS conflicts policy, appropriate staff must sign a certification that sets forth the standards for determining whether a conflict of interest exists. SPS will maintain this certification and provide it to the appropriate personnel to assist with identifying and resolving any potential conflicts of interest. *A copy of the certificate can be found at the end of this policy.*

### Gifts

No SPS employee, officer or agent shall solicit or accept, directly or indirectly, on behalf of himself, herself, or any member of the employee, officer or agent's household or parties listed above, any gift, gratuity, preferential discounts, service, favor, lavish entertainment or meals, lodging, long distance transportation, loan, loan guarantee, or anything of monetary value from any contractors, subcontractors, potential contractors, or parties to purchases, agreements, or awards. SPS will not award contracts to independent contractors who have solicited contracts by means of offering gratuities,

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favors or anything of monetary value to the SPS employee, officer or agent responsible for awarding contracts.

Any gift that is given by one SPS employee, officer or agent to another SPS employee, officer or agent that provides for personal financial gain or favor is not acceptable. These disallowed gifts shall not be accepted by the receiver. If a gift is accepted inadvertently or in error, the item must be returned to the giver/supplier or donated to a charity in the name of the giver/supplier. **If any SPS employee receives a gift or favor, he/she must report the gift or favor in writing within 7 days to his/her supervisor.**

Offers from non-SPS individuals or entities shall be referred to the SPS Director of Purchasing. Offers from individuals or entities to donate furniture, equipment, supplies, etc. shall be referred to the SPS Inventory Control Manager. Donations shall not be accepted if they are given to influence, or appear to have the possibility of influencing, a decision that provides monetary or other gains to the donor or the person accepting the donation.

SPS recognizes situations may occur in which the financial interest of a gratuity, favor or gift is not substantial or is an unsolicited item of nominal value. The prohibition on soliciting or accepting gifts, entertainment, favors or gratuities of nominal value does not apply to:

- Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral given by any person described in this section;
- Unsolicited advertising materials of nominal value, including items considered “giveaways” at professional conferences, such as pens, pads, etc.;
- Meals not considered lavish (e.g. appetizer + entrée + sides + desert = less than \$35) related to or linked with business dealings;
- Food and refreshments of nominal value when they are part of the employee’s participation in a charitable, civic, political or community event, which bears a relationship to the employee’s office and the employee is attending in an official capacity.
- Admission to charitable, civic, political, or other public events.
- Refreshments or meals of nominal value provided at business meetings.
- Any employee who travels on business for SPS may keep the points or travel awards earned as a result of the SPS supported business travel.
- Transportation and/or lodging provided by a vendor when attending a public event. Any lodging or long-distance transportation provided by a vendor and not by SPS must be pre-approved by the Director of Schools in writing and must be for the purpose of furthering the mission of SPS. This practice is highly discouraged as it is difficult, if not impossible, to avoid creating the impression of a conflict of interest. Prior to accepting such an offer, the employee should consult with the SPS Director or Purchasing for advisability.

## **Ethics, Conflicts of Interest and Acceptance of Gifts**

SPS employees must always be aware that meetings outside of SPS, in both public venues and private venues, with companies and organizations that do business with SPS, may raise questions as to the true purpose of the meeting, regardless of who actually pays for the employee's meal, ticket, attendance fee, or other item related to the meeting.

### **Financial Interests**

No SPS employee shall enter into or derive a benefit, directly or indirectly, from any contractual arrangement with SPS or any of its agencies or vendors. In recognition of the fact that many husbands and wives have separate careers, the normal employment compensation of a spouse whose regular, ongoing employer or business has a contractual arrangement with SPS shall not be considered a "benefit" to the SPS employee, provided the conflict of interest was properly disclosed by the SPS employee(s) involved, proper recusal procedures were followed and the contract with SPS was procured with open competition pursuant to procurement requirements and without any participation, assistance, or influence from the SPS employee.

No SPS employee shall request or demand that any other person or entity make or offer to make any monetary contribution or other type of contribution of value to any campaign or to any political campaign committee in exchange for, or as a condition to, receiving some benefit from SPS or any department, agency or official thereof, to the person or entity whose contribution is requested or demanded, or to the person making the request.

Any SPS employee having stock or ownership interest in public or privately held companies that do business, or may potentially do business, with SPS must report this relationship to his/her supervisor. If the employee is involved in the SPS decision making process for the award of purchases or contracts, the employee must properly disclose the relationship to the SPS Director of Purchasing and may be recused from award process.

### **Use of Information**

No SPS employee shall directly or indirectly:

- Use, disclose, or allow the use of official information which was obtained through or in connection with his or her employment, and which has not been made available to the general public, for the purpose of furthering the private interest or personal profit of any person, including the employee, or
- Engage in a financial transaction as a result of, or primarily relying upon information obtained through his or her SPS employment.

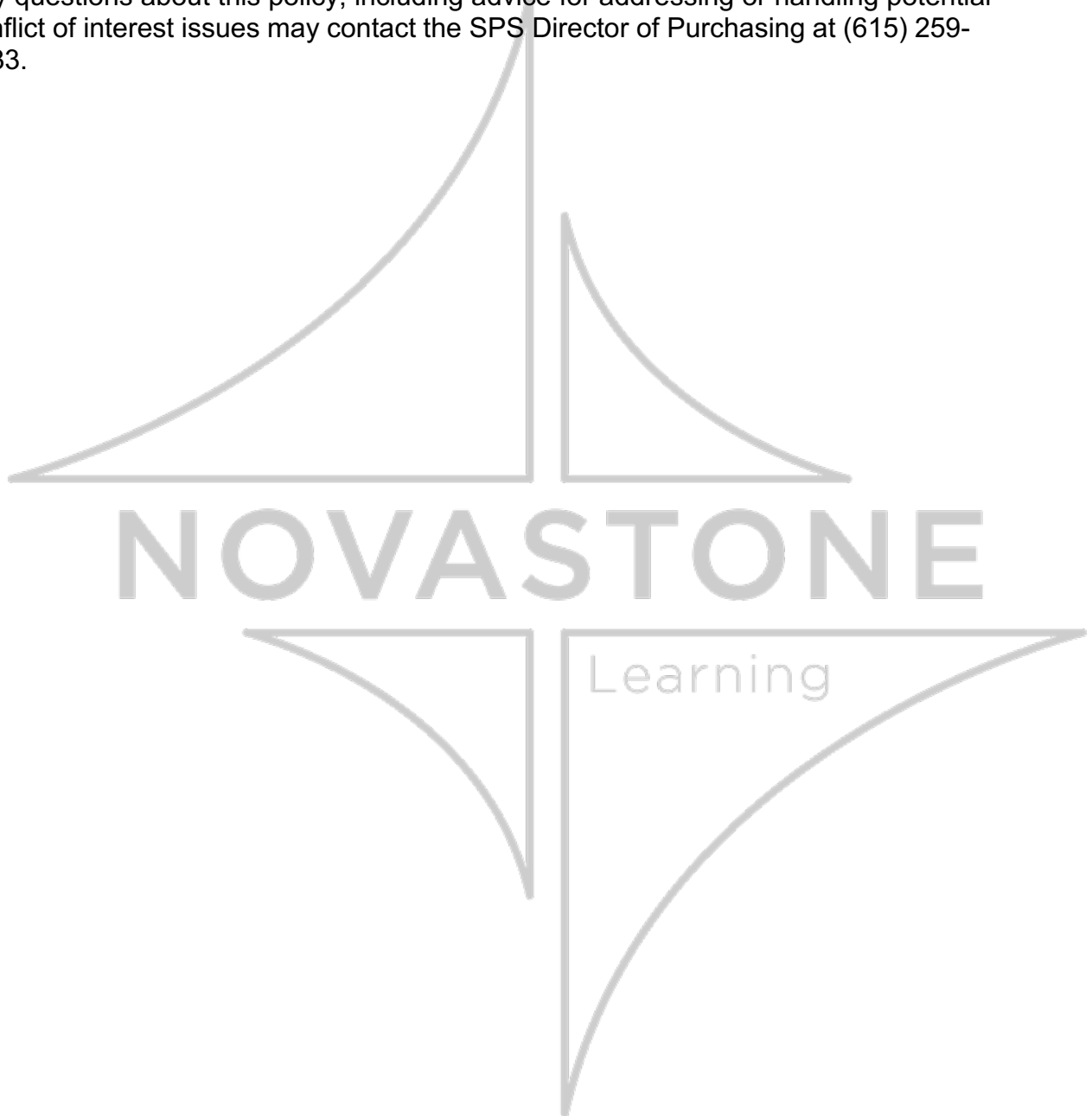
### **Use of Government Property**

No SPS employee shall use the facilities, equipment, personnel or supplies of SPS or its agencies other than for officially approved SPS related activities, except to the extent that they are lawfully available to the general public.

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### Other Ethical Responsibilities

Individuals who prepare, approve, sign or submit E-rate applications, technology plans or other forms related to the E-rate program are subject to the requirements contained herein in addition to more stringent ethical requirements. For more information, see Federal Communications Commission Regulations located at 47 C.F.R. § 54.503. Any questions about this policy, including advice for addressing or handling potential conflict of interest issues may contact the SPS Director of Purchasing at (615) 259-8533.



## Ethics, Conflicts of Interest and Acceptance of Gifts

The following Conflict of Interest Statement must be signed by any SPS employee, officer or agent responsible for awarding contracts or purchases within SPS. The Statement must be signed by each such person prior to the time of involvement in an award. The statement will be effective for one year from the date of signing and need not be re-signed for additional award involvement prior to the anniversary of signing.

### Conflict of Interest Statement for Awarding Contracts

By signing below, I affirm that I have no conflict of interest, real or apparent, that might affect my objectivity and impartiality in preparing, submitting, approving, evaluating or administering any non-competed contract, purchase, proposal or application, or in evaluating, awarding or administering any competitive contract or purchase to provide goods and/or services to Metropolitan Nashville Public Schools (SPS). I also affirm that I have neither solicited nor accepted any gratuities, favors or anything of monetary value from vendors/contractors, potential vendors/contractors or subcontractors who are or may do business with SPS. I also affirm that I have read SPS' Code of Conduct for Awarding Contracts (contained in FM 2-113 Contracts Policy) and agree to abide by the provisions contained therein. In addition, I have received training on SPS Policy HC 5.110 *Ethics, Conflicts of Interest and Acceptance of Gifts* and agree to adhere to its procedures, including reporting, disclosure and recusal.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

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