

## HOWARD COUNTY PUBLIC SCHOOL SYSTEM

### Ethics Regulations

#### I. Applicability

The provisions of these regulations apply to all members of the Board of Education, the Superintendent, and all employees of the Board of Education of Howard County.

#### II. Definitions

The words used in these regulations shall have their normally accepted meanings except as set forth below.

- A. "Advisory opinion" means an opinion rendered by the Ethics Panel as to the applicability of the Ethics Regulations to conduct or actions by those persons as set forth in Section I. An advisory opinion may include cautionary advice regarding situations which by their nature require only a minor change of circumstances to become an actual conflict.
- B. "Board" or "Board of Education" means the Board of Education of Howard County.
- C. "Business entity" means any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.
- D. "Compensation" means any money or thing of value, regardless of form, received or to be received by any individual covered by these regulations from an employer for services rendered. If lobbying is only a portion of a person's employment, compensation means a prorated amount based upon the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.
- E. "Doing business with" means:
  - 1. Having or negotiating a contract that involves the commitment (either in a single or combination of transactions) of \$7500 or more of school system funds
  - 2. Being subject to the authority of the Board of Education
  - 3. Being registered as a lobbyist in accordance with the sanctions of these regulations

F. "Financial interest" means:

1. Ownership of any interest as the result of which the owner has received, within the past three years, or is presently receiving, or in the future is entitled to receive more than \$1000 per year
2. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three percent of a business entity, whichever is greater

G. "Gift" means the transfer of any service or thing of economic value regardless of form without adequate and lawful consideration. The term also includes forgiveness of debts, or the waiver or forgiveness of interest on any loan or obligation obtained from those doing business with the Board of Education. The term "gift" does not include the solicitation or receipt of political campaign contributions regulated in accordance with the provisions of Article 33, 26-1 et seq., *Annotated Code of Maryland*, or other items excluded by these regulations or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

H. "Interest" means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held at any time during the calendar year, in whole or in part, jointly or severally, directly or indirectly. "Interest" does not include:

1. An interest held in the capacity of a personal representative, agent, custodian, fiduciary, or trustee, unless the holder has an equitable interest therein
2. An interest in a time or demand deposit in a financial institution
3. An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay, for a fixed number of dollars, either in a lump sum or periodically, for life or some other specified period
4. A common trust fund or a trust which forms part of a pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a trust under Sections 401 and 501 of the *Internal Revenue Code of 1986*.

I. "Lobbying" means:

1. Communicating in the presence of a school official or employee with the intent to influence any official action of that official or employee, where in excess of \$75 is spent for food, entertainment, or other gifts during the calendar year in furtherance of this activity
2. Engaging in activities having the express purpose of soliciting others to communicate with a school official or employee with the intent to influence that official or employee, where in excess of \$75 is expended in furtherance of these activities

- J. "Panel" means the Board of Education Ethics Panel established by these regulations
- K. "Person" means an individual or business entity
- L. "Subject to the authority of" refers to business entities regulated by the Board of Education or subject to significant control or impact by the policies of the Board of Education relating to the operation of the entity
- M. "Superintendent" means the person in the Howard County Public School System designated as the superintendent pursuant to Par. 1-101(e) of the Education Article, *Annotated Code of Maryland*

### III. The Howard County Public School System Ethics Panel

#### A. Appointment

The Howard County Public School System Ethics Panel consists of five members, residents of Howard County, and appointed by the Board of Education of Howard County.

#### B. Term of Membership

Members shall serve for overlapping terms of five years (as described in Section III.C) or until their successors are appointed. A member whose term is expiring may apply for reappointment and be considered along with other interested candidates. A vacancy for an unexpired term shall be filled in the same manner as the original appointment.

#### C. Termination of Membership

By a vote of four out of five members of the Panel, any member of the Panel may be recommended to the Superintendent for dismissal because of nonparticipation which impedes the Panel's ongoing duties and responsibilities.

#### D. Compensation

Members of the panel shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget.

### IV. Duties and Responsibilities

- A. To devise, receive, and maintain all forms generated by these regulations
- B. To provide advisory opinions to persons subject to the regulations as to the applicability of those provisions to them
- C. To process and make determinations as to complaints filed by any person alleging violations of these regulations
- D. To refer findings regarding complaints and other enforcement matters to the Board of Education for action

- E. To conduct an information program regarding the purposes and application of these regulations

V. Rules of Procedure

- A. A majority vote of the Panel consists of three or more votes.
- B. A quorum consists of three members present.
- C. The panel shall adopt rules for the transaction of its business.
- D. The panel shall keep on file the minutes of its proceedings.
- E. All panel actions and decisions shall be in writing.
- F. Advisory Opinion
  - 1. Any person subject to the provisions of these regulations may request the panel for an advisory opinion concerning the applicability of the regulations.
  - 2. The panel shall respond promptly to such requests, providing interpretations of these regulations based on the facts provided or reasonably available to it.
  - 3. Copies of these interpretations, with the identity of the name deleted, shall be made available to the public in accordance with applicable state law regarding public records.
- G. Complaint
  - 1. A person may file a complaint with the panel alleging a violation of any of the provisions of these regulations. Such complaints shall be written and under oath or by affirmation. All actions regarding a complaint shall be treated confidentially.
  - 2. If the panel determines that there is no violation or there are insufficient facts to determine a violation, the panel shall refer the matter to the Board of Education with the recommendation that the complaint be dismissed.
  - 3. If the panel determines there is a violation, the panel shall refer the matter to the Board of Education for further action.

VI. Prohibited Conduct and Interests

- A. Members of the Board of Education, the Superintendent, and employees subject to these regulations shall not participate in:
  - 1. Any matter on behalf of the school system which would to their knowledge have a direct financial interest on them, their spouse, or dependent child(ren), parent, brother, or sister, or a business entity with which they are affiliated, as distinguished from the public generally

2. Any matter with respect to which they hold or acquire an interest of three percent or more in a business entity that is under the authority of the school system or that has or is negotiating a contract of more than \$7500 with the school system
  3. Any matter in which they are employed by a business entity that is under the authority of the school system or that has or is negotiating a contract of more than \$7500 with the school system
- B. If a disqualification under paragraphs 1, 2, or 3 of this subsection leaves the Board of Education with less than a quorum capable of acting or if the disqualified official is required by law to act or is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict and may participate or act.

## VII. Prohibitions

Except as permitted by a ruling in Section X (Exemptions) of these regulations, Board members, the Superintendent, or employees shall not:

- A. Within one (1) year following termination of the school system service, assist or represent another party other than the Board of Education, for compensation in a case, contract or other specific matters involving the Board if that matter is one in which they significantly participated while with the school system
- B. Hold any outside employment relationship in their area of responsibility that would impair their impartiality or independence of judgment
- C. Represent any party, for a contingent fee, before the school system
- D. Solicit any gift or accept gifts of greater than \$25 or series totaling \$100 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

The following items shall be considered gifts within the definition only when the giving of the item would tend to impair the impartiality or independent judgment of the Board member, the Superintendent, or employee receiving it or, if of significant value, would give the appearance of doing so. Generally, then, the term "gift" would not include items such as:

1. Meals and beverages
2. Ceremonial gifts or awards which have insignificant monetary value
3. Unsolicited gifts of nominal value or trivial items of informational value
4. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the Board member, the Superintendent, or an employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting

5. Gifts of tickets or free admission extended to members of the Board of Education, the Superintendent or an employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political events, if the purpose of such gift or admission is a courtesy or ceremony extended to the office
6. A specific gift or class of gifts which the Ethics Panel exempts from the operation of this subsection, upon a finding in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system and that the gift is purely personal and private in nature
7. Gifts from a person related by blood or marriage, or a spouse, child(ren), wards, financially dependent parent, or other relative who shares the Board member's, the Superintendent's, or an employee's legal residence, or child(ren), wards, parent, or other relative over whose financial affairs the person has legal or actual control
8. Honoraria, the value or amount of which is not to exceed that which is usual and customary

E. Use of prestige of office

Board members, the Superintendent, or employees may not intentionally use the prestige of their offices for their own private gain or that of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the use of the prestige of office for Board members', the Superintendent's, or an employee's private gain or that of another.

F. Disclosure of confidential information

Other than in the discharge of official duties, Board members, the Superintendent, or employees may not disclose or use for their own economic benefit or that of another, confidential information which they have acquired by reason of their public position and which is not available to the public.

G. Reception of Royalties

Staff members have the right to produce administrative and instructional materials apart from their employment with the Howard County Public School System. In order to avoid conflicts of interest, staff members who receive royalties on annual gross sales in excess of \$7500, or a pro rata share of payments of account in excess of \$7500 gross sales annually, for instructional or administrative materials sold to the Howard County Public School System shall donate royalties or their net pro rata share of payments of account to an approved charity.

### VIII. Financial Disclosure

- A. The persons listed in subsection B of this section shall file a Statement of Financial Interest with the Ethics Panel annually no later than January 31 of each calendar year during which they hold office. A Board of Education member or required employee who has not filed a Statement of Financial Interest and who is appointed to fill a vacancy to a position listed in subsection B of this section shall file a statement covering the calendar year in which the official is appointed within 30 days after appointment. The statement will include:
1. A schedule of all landholdings in Howard County in which they have an interest, identifying such holdings by location, size, date of acquisition, and from whom acquired if within the calendar year
  2. A schedule of all interest in any business entities or professions
  3. A schedule of all sources of income in excess of \$1000 provided, however, that where the disclosure of such source would violate a professional confidence or canon of ethics such source need not be reported. The aforementioned exception is not applicable to a professional relationship with a client or firm doing business with the Howard County Public School System.
  4. A schedule of all gifts in excess of \$25 from firms doing business with the Board of Education.
  5. Statement as to whether a spouse or any member of immediate family is employed by the Board of Education and the position held.
- B. Individuals in the following positions are required to file:
1. Members of Board of Education
  2. Superintendent of Schools
  3. Deputy Superintendent
  4. Associate Superintendent
  5. Assistant Superintendent
  6. Business Manager
  7. Buyer
  8. Director, Maintenance and Operations
  9. Director, Planning and Construction
  10. Manager, Custodial Services
  11. Manager, Grounds Department
  12. Manager, Maintenance Department
  13. Purchasing Officer
  14. Others approved by the Board
- C. Candidates for the Board of Education shall file with the Ethics Panel under oath or by affirmation statements consistent with the requirements of subsection (A) of this section. These forms will be given to the candidate at the Board of Elections office at the time of filing for candidacy. The candidate will submit the

Statement of Financial Interest to the Ethics Panel no later than 9 p.m. on the last day of filing. A receipt of filing shall be sent to the Board of Elections.

- D. All statements filed pursuant to this section shall be maintained as public records by the panel or an office designated by the panel and shall be available, during normal office hours, for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the Board of Education may establish from time to time. The forms shall be retained for six years from the date of receipt. Persons examining or copying such statements shall be required to record their names, home address(es), and the name of the person whose Statement of Financial Interest was examined or copied. Such record shall be forwarded upon request to the person whose Statement of Financial Interest is so examined and copied.
- E. All statements filed pursuant to this section shall be on a form developed by the Ethics Panel.

#### IX. Lobbying Disclosures

- A. Except as provided for in subsection J below, any person who personally appears before any Board members, the Superintendent, or any employee with the intent to influence these persons in the performance of their official duties and who, in connection with such intent expends or reasonably expects to expend in a given calendar year in excess of \$75 on food, entertainment or other gifts for the Board member, the Superintendent or an employee, shall file a registration statement with the Ethics Panel no later than January 15 of the calendar year or within five days after making such appearances.
- B. The registration statement shall include complete identification of the registrant. It shall also include, if applicable, the written authorization 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 appearance(s) 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 are registered, disclosing the value, date, and nature of any food, entertainment or other gifts provided to a Board member, the Superintendent, or an employee. Where a gift of \$25 or a series of gifts totaling \$100 or more in value is made to a single individual, the person shall also be identified.
- D. No person may engage in lobbying activities on behalf of another person for compensation the payment of which is contingent upon the passage or defeat of any action by the Board of Education.
- E. Persons who engage in lobbying may terminate their registration by written notice to the Ethics Panel; any reports outstanding under subsection C of this section must be submitted with such notification; termination shall be effective 30 days after receipt by the Ethics Panel if such notice is properly filed.
- F. Each lobbyist shall file with the Ethics Panel one report covering the period beginning on January 1 through June 30 (filed by July 31) and one report

covering the period beginning July 1 through December 31 (filed by January 31). If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form. A separate activity report shall be filed for each person on whose behalf the lobbyist acts.

- G. The provisions of this section do not apply to the following acts:
1. Professional services in advising and rendering opinions to clients as to the construction and effect of proposed or pending Board of Education actions where these services do not otherwise constitute lobbying activities
  2. Appearances before the Board of Education upon its specific invitation or request but only if the person engages in no further or other activities in connection with the passage or defeat of Board of Education actions
  3. Appearances as part of the official duties of a duly elected or appointed official or employee of the state or a political subdivision of the state, or of the United States, and not on behalf of any other equity
  4. Actions of publishers or working members of the press, radio, or television in the ordinary course of the business of disseminating news or making editorial comment to the general public who do not, however, engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of themselves or their employers
  5. Appearances by individuals before the Board of Education at the specific invitation or request of a registered lobbyist, provided no other lobbying act is undertaken, and provided the witnesses identify themselves to the Board of Education as testifying at the request of the lobbyist
  6. The representation of a bona fide religious organization solely for the purpose of protecting the rights of its own members to practice the doctrine of the organization
  7. Appearances as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of any other entity
- H. The panel shall compute and make available a subtotal of each category of expenditures/gifts for each lobbyist and a combined total of all categories reported by a lobbyist under these regulations. The panel shall also compute and make available the total activities reported by category for the reporting period.
- I. The registrations and reports filed pursuant to this section shall be reviewed by the panel or other designee of the Board of Education for compliance with the provisions of this section, and persons engaging in lobbying activities shall be notified of any omissions or deficiencies. The panel shall pursue evidence of noncompliance with this section.

- J. The registrations and reports filed pursuant to this subsection shall be maintained by the Ethics Panel as public records available for inspection and copying as set forth in Section IV.

X. Exemptions

The Ethics Panel or the Board of Education, as appropriate, may grant exemptions to the provisions of Sections VI and VII of these regulations if it is determined that application of those provisions would:

- A. Constitute an unreasonable invasion of privacy
- B. Significantly reduce the availability of qualified persons for public service
- C. Not be required to preserve the purposes of these regulations

XI. Sanctions

- A. Violation by any Board member, the Superintendent, or an employee of the provisions of these regulations shall constitute grounds for discipline or personnel action, or removal from office where provided by law, consistent with procedures set forth in the Education Article of the *Annotated Code of Maryland* or the policies of the Howard County Board of Education.
- B. Persons or organizations found in violation of the lobbying provisions of these regulations shall be publicly identified and subject to other penalties as provided by law.

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