

# Portland Public School District 1<sup>st</sup> Reading

DATE OF FIRST READING: January 09, 2024

## PUBLIC COMMENT FOR

### New Policy

### Policy x.xx.xxx-P:

### Ethics and Conflict of Interest Policy

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

**Open for Comment until at least:  
January 30, 2024**

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**Summary:** Adoption of a new Ethics and Conflict of Interest Policy.

**1<sup>st</sup> Reading by:** Director Julia Brim-Edwards  
Portland Public School Board, Policy Committee Chair

**Recommended for a 1st Reading by:**  
Portland Public Schools Board of Education, Policy Committee

**Draft Policy Web Site:** <http://www.pps.net/draftpolicies>

**Contact:** Rosanne Powell, Senior Board Manager  
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**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)

**Draft Policy Comment Form:** <https://forms.gle/VqYbmVA36cqADj6n6>

**Included in Packet****Page**

Staff Report

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Draft Policy

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## **STAFF REPORT**

**Date:** December 14, 2023  
**To:** School Board  
**From:** Mary Kane, Senior Legal Counsel  
**Subject:** Proposed new policy- Ethics and Conflict of Interest Policy xx.xx.xxx-P

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### **BACKGROUND**

A proposal to adopt this new policy was heard and discussed by the Policy Committee during September-December 2023. The recommendation was made for a new policy on government ethics, and the District considers it best practice.

### **ANALYSIS OF SITUATION**

Oregon Revised Statutes Chapter 244 are the laws relating to government ethics for public officers and employees. District officials and staff members currently follow ethics laws. The new policy is recommended to help translate statutory language into a user-friendly guidance for District staff.

### **FISCAL IMPACT**

There is no fiscal impact.

### **COMMUNITY ENGAGEMENT**

There was no community engagement other than discussion in the Policy Committee public meeting.

### **STAFF RECOMMENDATION**

Staff recommends the adoption of this policy.

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### **ATTACHMENTS**

- A. Ethics and Conflict of Interest Policy x.xx.xxx-P



## **Ethics and Conflict of Interest Policy**

### **1. Purpose**

Board members and employees are expected to perform the District's business with integrity and accountability to the law and the community we serve; as responsible stewards of the District's resources; and without undue or the perception of undue influence in the performance of our jobs. Board members and employees have been entrusted with the important task of educating our community's children and should strive to live up to the highest ethical standards.

This policy establishes ethical standards of conduct for Board members and employees, whether elected or appointed, paid or unpaid, and sets forth conduct that is incompatible with such standards. Violations of this policy may subject employees to discipline, up to and including dismissal.

### **2. Definitions**

"Actual Conflict of Interest" means any action, decision, or recommendation by a person acting in a capacity as a District representative, the effect of which is to the private financial benefit or avoidance of financial detriment to the person or the person's relative(s) or any business with which the person or a relative of the person is associated unless the financial benefit or detriment arises out of the following:

- a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.
- b) Any action in the person's official capacity, which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.
- c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

"Confidential Information" means specific information, rather than generalized knowledge, that is shared only with a specific person or persons within the District, including information made confidential by law.



### **Ethics and Conflict of Interest Policy**

“District action” means (i) a decision, determination, finding, ruling, purchase order, grant, payment, award, license, contract, transaction, sanction, approval or denial, authorization, or other similar action, or (ii) any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such matter that the Board member or employee believes, or has reason to believe, is one to which the District is, or will be a party or is one in which the District has a direct and substantial interest.

“Gift or Gratuity” means anything with an aggregate value in excess of \$50 to a Board member or District employee from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision, authorization, or vote of that Board member or District employee.

“Member of household” means any person who resides with the District employee or Board member.

“Potential Conflict of Interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private financial benefit or detriment of the person or the person’s relative, or a business with which the person or the person’s relative is associated, unless the financial benefit or detriment arises out of the following:

- a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.
- b) Any action in the person’s official capacity, which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person’s relative or business with which the person or the person’s relative is associated, is a member or is engaged.
- c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

“Participate” means to personally and substantially consider, investigate, advise, recommend, approve/disapprove, authorize, decide, or take other similar action.

“Reasonable travel expenses” are those expenses that either (1) do not exceed the District-established per diem for travel or (ii) are otherwise reimbursable under District policy.



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“Relative” means spouse or domestic partner, child, step-child, parent, step-parent, sibling, step-sibling, child-in-law of the employee; or the parent, step-parent, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides financial benefits to the employee, or who receives any direct benefit from the employee’s public employment.

### 3. Code of Ethics

All Board members and District employees shall act with trust, equity, and accountability.

a. Trust. All Board members and District employees shall treat their office as a public trust. They should avoid the appearance of impropriety and conflicts of interest, and take District Actions and implement policies in good faith as equitably as possible.

b. Equity. Board members and District employees will create an inclusive environment that reflects and supports the racial and ethnic diversity of our student population, employees, and community.

c. Accountability. Board members and employees will strive to carry out their work efficiently and transparently.

### 4. Gifts

State law limits Gifts and Gratuities to Board members or employees, their relatives, and members of their household. Gift or gratuity does not include the following items:

- a. Anything of value that is received as District property and used for District purposes (such as textbooks and classroom supplies);
- b. Discounts available to an individual as a member of an employee group, occupation or similar broad-based group;
- c. A plaque, trophy, or other honoraria;
- d. Unsolicited awards for professional achievement;



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- e. Reimbursement to the District for enrollment and course fees and reasonable travel expenses incurred by the District in connection with a Board member's or employee's speech, presentation, or appearance made in an official capacity; provided that the reimbursement is memorialized in writing;
- f. Campaign contributions that are solicited or received and reported by an elected official or candidate in accordance with applicable law; and
- g. Employee or Board compensation.

#### 5. Conflicts of Interest.

All Board members and District employees must disqualify themselves from participating in District Actions in which they have an actual conflict of interest.

This means, among other things, that:

- a. Use of Position. Board members and District employees may not use their position to obtain financial gain or avoidance of financial detriment for themselves, as well as for their relatives and members of their households. Additionally, Board members are prohibited from being compensated by the District as an employee or contractor, and no Board member or employee may benefit under any District contract for which they participated in the authorization for two years following Board service or employment, respectively.
- b. Sale of instructional or training materials. Employees may not claim, promote, or sell instructional, training, or other materials and/or equipment to third parties developed on District time or District property nor may they promote or sell instructional, training, or other materials they developed on their own time to the District. Exceptions may be granted under exceptional circumstances with the written consent of the Superintendent.
- c. Confidential Information. Board members and employees may not use confidential information gained in the course of or by reason of their position or activities for personal gain or advantage to them or their relatives or members of their household.



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- d. Interest in Contracts. Board members and employees, along with their relatives and members of their household, may not take District Action related to any District contract for which they have a financial interest.
- e. Use of District Time. A District employee may not perform any duties related to an outside job during their regular scheduled or actual working hours unless leave is approved pursuant to District procedures; nor may an employee use any District facilities, equipment, resources or materials in performing outside work.

**Retaliation Prohibited.** Retaliation or threats of retaliation, both direct and indirect, for good-faith reporting of possible violations of this policy or ORS chapter 244 are prohibited. Any employee found to have engaged in any such conduct shall be subject to disciplinary action.

#### Notice.

1. Board Member. If a Board member has a potential or actual conflict of interest, they should state the conflict at the meeting when the agenda item is raised.
2. Employee. If an employee has an actual conflict of interest, they must notify a supervisor in writing of the nature of the conflict. The supervisor should assume responsibility for or reassign the matter creating the conflict. If an employee has a potential conflict of interest, they should notify a supervisor in writing of the nature of the potential conflict of interest, and the supervisor will determine if any reassignment of the matter creating the potential conflict is appropriate.

#### 6. **Avoiding the Appearance of Conflicts of Interest**

Board Members and District employees should avoid the appearance of a conflict of interest when feasible.

#### 7. **Complaints Against Employees**

Concerns that an employee is engaged in a District Action for which they have an actual conflict of interest shall be reported to the employee's supervisor (who should report it to Human Resources) or Human Resources. If the employee is the Superintendent, the concern shall be raised to the Board Chair.





## Board Policy

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### Ethics and Conflict of Interest Policy

#### 8. Annual Training for Board Members and Senior District Leadership

Each year, Board members and senior District staff members shall complete a District-sponsored training on ethics, including conflicts of interest, public meetings laws, and public records laws. Each Board member and senior District staff shall certify in writing completion of the training.

Legal Reference: ORS [Chapter 244](#)

History: Adopted \_\_/2024