Policy Number: 407
Policy Section: 400 – Staff Policies
Effective Date: April 9, 2014
Revision Date: June 14, 2026

Conflict of Interest Policy

I. Purpose

As a public education employee or volunteer, there are numerous sources defining "Ethical Conduct." Standards of Ethical Conduct address a wide variety of issues, from professionalism in dress to maintaining appropriate relationships with students, parents and co-workers. This policy is intended to outline the standards of Ethical Conduct established by Utah law to assure that public employees and/or board members avoid conflicts of interest and maintain the public trust.

II. Legal Requirement

• Utah Public Officers' and Employees' Ethics Act (The "Ethics Act"), which provides general standards of conduct for public employees in areas where there are actual or potential conflicts of interest between an employee's public duties and their private interests. (Utah Code Ann. 67-16 et seq.)
• Utah Procurement Code: Illegal Activities, which imposes a more stringent standard for avoiding conflicts of interest involving public employees involved in the procurement of goods or services. (Utah Code Ann. 63-56-72)
• Educational Services Outside of Educator's Regular Employment, which outlines the requirements for a public school employee to participate in activities such as tutoring, private lessons, clinics, camps, or travel opportunities involving current or prospective students. (Utah Admin. Code R277-107)

III. Policy

<u>On Education-related Outside Employment</u>

A school district employee who participates in non-education-related employment or business activities outside of their district employment may not:

- Accept employment or engage in any business or professional activity that would require disclosure of controlled information gained by reason of their employment.
- Disclose controlled, protected, or private information gained by reason of their employment to secure personal privileges or exemptions for self or others.
- Use their position as a district employee to further their own personal economic interest or secure special privileges or exemptions for self or others.
- Accept outside employment that may impair independence of judgment in performing their public duties.

<u>Accepting Gifts</u>

A school district employee may not accept or seek, directly or indirectly, for themselves or another, any gift or benefit where:

- It would improperly influence the performance of job responsibilities.
- It is intended as a reward for official action taken.
- The employee is currently, or in the near future will be involved in action directly affecting the donor.

The Ethics Act defines "gift or compensation" as anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the employer for or in consideration of personal services, materials, property, or any other thing whatsoever.

A school district employee who is not involved in the procurement of goods or services may accept an occasional non-monetary gift having a value not exceeding $50 and any award which may be publicly presented in recognition of public services.

Participation in Transaction Involving Business as to Which Employee Has Interest

A school district employee may not participate in their official capacity in any transaction between the District and any business in which they own a substantial interest unless the employee has submitted a disclosure to their direct supervisor and the Superintendent.

Educational Services Outside of Educator's Regular Employment

A school district employee who desires to participate in private, but public education-related activities where the principal clients are current or prospective students must abide by applicable state laws and rules. Such activities include tutoring, lessons, clinics, camps, or travel opportunities.

A school district employee's participation in outside activities must be separate and distinguishable from their school employment and the employee:

- May not promote the activities by contacting students at the public schools or by using education records or information obtained through their school employment unless the records or information are readily available to the general public.
- May not use school time to discuss, promote, or prepare for any private activity.
- May not state or imply to any person that participation in a regular school activity or program or the receipt of school credit is conditioned on participation in a private activity.
- Shall assure that any advertising of the outside activity is in compliance with state law and district policy.
- Shall provide a copy of any contract entered into with an activity sponsor to their direct supervisor and the Executive Administrator's Office.

IV. Utah Procurement Code: Illegal Activities

The Procurement Code provides guidance to public entities, their officers, and employees in the expenditure of public funds.

To avoid conflicts of interest and assure fair and equitable treatment of all persons who enter into business relationships with a public entity, more stringent precautions must be followed than those seen in private industry or even in other areas of the Ethics Act.

Any school district employee who, in their official capacity, participates in the procurement of supplies, services, construction, real property, or insurance is guilty of a felony if the employee asks or receives any compensation, gratuity, contribution, loan, or reward, or any promise of such, either for the employee's own use or the use or benefit of any other person or organization from any person interested in the sale of those items.

This prohibition applies even to gifts that are valued at less than $50.

Stated Simply: The giving of any gift to a school district employee who participates in any procurement is a felony. No employee of the DaVinci Academy of Science and the Arts shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's duties and responsibilities.

Employees shall not engage in work of any type where the source of information concerning a customer, client, or employer originates from information obtained through the school system.

Board Members:

Each Board member shall annually complete and submit conflict-of-interest disclosure statements (see Appendix A) identifying any relationships, financial interests, or affiliations that could reasonably present a conflict with the interests of the school. These statements will be required no later than the annual meeting of the Board of Directors held each August. Any candidate running for election to the board must file the disclosure statement prior to submitting their election packet.

If any person who is a Trustee or officer of the corporation is aware that the corporation is about to enter into any business transaction directly or indirectly with himself, any member of his family, or any entity in which he has any legal, equitable or fiduciary interest or position, including without limitation as a Trustee, officer, shareholder, partner, beneficiary or Trustee, such person shall:

(a) Immediately inform those charged with approving the transaction on behalf of the corporation of his interest or position;
(b) Aid the persons charged with making the decision by disclosing any material facts within his knowledge that bear on the advisability of such transaction from the standpoint of the

corporation; and
(c) Not be entitled to vote on the decision to enter into such transaction.

As a member of the Board of Directors for the DaVinci Academy of Science and the Arts ("the Board"), my sources of income and financial interests and/or my business dealings with the Board, DaVinci Academy of Science and the Arts ("the School"), The American Can LLC ("the Company"), or Riverside Technology Nonprofit ("the Nonprofit") may create a conflict of interest or apparent conflict of interest.

As a board member, I agree to disclose:
(1) Any source of income or financial interest I or an immediate family member have, or any direct or indirect interest in or relationship which may be directly or indirectly affected by a decision of the Board; and/or
(2) Any interest I or an immediate family member have in an organization with which the Board is dealing or considering conducting business.

As a board member, I agree that if:
(1) My income or other financial interest may be directly or indirectly affected by an action or decision of the Board; or
(2) My interest involves an organization with which the Board is dealing or considering dealing,

I will not vote on the transaction under consideration and will excuse myself from the meeting while the matter is under consideration unless the remaining members request that I share my knowledge on the subject at hand.

Appendix A

DaVinci Academy of Science and the Arts

Conflict of Interest Statement

As an appointed/elected member of the DaVinci Academy Board of Directors and having taken an oath of office, I understand that I have an obligation to the organization I serve, the stakeholders I represent, and to myself to maintain the highest standards of ethical conduct. I understand that I have a responsibility to:

• Maintain private, protected, or controlled information received in the course of my official duties unless legally obligated to disclose the information;

• Refrain from using private, protected, or controlled information acquired in the course of my official service, with particular attention to information or opportunities that would benefit me financially, for unethical or illegal advantage;

• Avoid direct, indirect, or even the appearance of conflicts of interest and advise all appropriate parties (including fellow Board members and supervisors, if appropriate) of any potential conflict;

• Avoid any activity or gift that would compromise my ability to carry out my duties fairly and ethically.

I do hereby certify that my connection, relationship to, or employment with—whether full-time, part-time, contracted, temporary, ownership (in whole or in part), or service as a director of—the following business may result in a conflict of interest:

I further certify that I have disclosed any immediate household or family members who are currently employed by DaVinci Academy or who are employed by, own, or have a financial interest in any vendor, contractor, consultant, or organization that conducts business with DaVinci Academy. I understand that it is my responsibility to promptly disclose any new relationships or circumstances that may create an actual, potential, or perceived conflict of interest during my employment or service with the Academy.

_____

_____

_____

I understand that I must file this conflict of interest and ethics statement with the Secretary of the Board. This must be done to comply with DaVinci Academy Board by-laws as well as Board policy #407 - Conflicts of Interest.

Signed: _____ **Date:**_____