

Hawkins County Board of Education

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CODE OF ETHICS¹

HAWKINS COUNTY SCHOOL DISTRICT

Section 1. Definitions.

(1) "School district" means Hawkins County School District, which was duly created by a public or private act of the General Assembly; and which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the school district or an official of the school district.

(2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the school district.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

Section 2. Disclosure of personal interest in voting matters. An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

Section 3. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the school district's central office. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Section 4. Acceptance of gifts and other things of value. An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the school district that a reasonable person would understand was intended to influence the vote, official action or

1 judgment of the official or employee in executing decision-making authority affecting the school
2 district.

3 It shall not be considered a violation of this policy for an official or employee to receive entertainment,
4 food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in
5 connection with a conference sponsored by an established or recognized statewide association of
6 school board officials or by an umbrella or affiliate organization of such statewide association of
7 school board officials.

8 **Section 5. Ethics Complaints.** The school district may create a School District Ethics Committee (the
9 “Ethics Committee”) consisting of three members who will be appointed to one-year terms by the
10 Chairman of the Board of Education with confirmation by the board of education. At least two
11 members of the committee shall be members of the board of education. The Ethics Committee shall
12 convene as soon as practicable after its appointment and elect a chair and a secretary. The records of
13 the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the director
14 of schools, where they shall be open to public inspection.

15 Questions and complaints regarding violations of this Code of Ethics or of any violation of state law
16 governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be
17 in writing and signed by the person making the complaint, and shall set forth in reasonable detail the
18 facts upon which the complaint is based.

19 The School District Ethics Committee may investigate any credible complaint against an official or
20 employee charging any violation of this Code of Ethics, or may undertake an investigation on its own
21 initiative when it acquires information indicating a possible violation, and make recommendations for
22 action to end or seek retribution for any activity that, in the Committee’s judgment, constitutes a
23 violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such
24 member shall recuse himself or herself from all proceedings involving such complaint.

25 The Committee may:

- 26 (1) refer the matter to the Board Attorney for a legal opinion and/or recommendations for action;
- 27 (2) in the case of an official, refer the matter to the school board body for possible public censure if
28 the board body finds such action warranted;
- 29 (3) in the case of an employee, refer the matter to the official responsible for supervision of the
30 employee for possible disciplinary action if the official finds discipline warranted;
- 31 (4) in a case involving possible violation of state statutes, refer the matter to the district attorney
32 for possible ouster or criminal prosecution;

33 The interpretation that a reasonable person in the circumstances would apply shall be used in
34 interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes
35 a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation
36 of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

Legal References

1. TCA 8-17-103

Cross References