

Hardeman County Board of Education

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		Rescinds: 1.106	Issued: 10/09/08

CODE OF ETHICS

HARDEMAN COUNTY SCHOOL BOARD

Section 1. Definitions.

- (1) "Board" means Hardeman County School Board, which was duly created by a private act of the General Assembly; and which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the Board or an official of the Board.
- (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 Board.
- (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 Board that a reasonable person would understand was intended to influence the vote, official action or judgment of the official or employee in executing decision-making authority affecting the Board.

1 It shall not be considered a violation of this policy for an official or employee to receive entertainment,
2 food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in
3 connection with a conference sponsored by an established or recognized statewide association of school
4 board officials or by an umbrella or affiliate organization of such statewide association of school board
5 officials.
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7 **Section 5. Ethics Complaints.** The Board may create a Board Ethics Committee (the “Ethics Commit-
8 tee”) consisting of three members who will be appointed to one-year terms by the Chairman of the Board
9 of Education with confirmation by the board of education. At least two members of the committee shall
10 be members of the board of education. The Ethics Committee shall convene as soon as practicable after
11 its appointment and elect a chair and a secretary. The records of the Ethics Committee shall be maintained
12 by the secretary and shall be filed in the office of the director of schools, where they shall be open to public
13 inspection.
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15 Questions and complaints regarding violations of this Code of Ethics or of any violation of state law govern-
16 ing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in
17 writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts
18 upon which the complaint is based.
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20 The Board Ethics Committee may investigate any credible complaint against an official or employee
21 charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when
22 it acquires information indicating a possible violation, and make recommendations for action to end or
23 seek retribution for any activity that, in the Committee’s judgment, constitutes a violation of this Code of
24 Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or
25 herself from all proceedings involving such complaint.
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27 The Committee may:

- 28 (1) refer the matter to the Board Attorney for a legal opinion and/or recommendations for action;
- 29 (2) in the case of an official, refer the matter to the school board body for possible public censure if the
30 board body finds such action warranted;
- 31 (3) in the case of an employee, refer the matter to the official responsible for supervision of the em-
32 ployee for possible disciplinary action if the official finds discipline warranted;
- 33 (4) in a case involving possible violation of state statutes, refer the matter to the district attorney for
34 possible ouster or criminal prosecution;
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37 The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting
38 and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of
39 a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel
40 or civil service provisions rather than as a violation of this Code of Ethics.
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