
ANCHORAGE SCHOOL DISTRICT
ETHICS HANDBOOK



Information for
ASD Employees and Officials

October 2008

Committed. Accountable. Accessible. Engaged.

These are terms a committee of ASD employees used to define our district and our staff. ASD professionals are dedicated to their work and have a passion for our mission to educate all students for success in life. Each day we are entrusted with the community's assets ---its facilities, finances and, most importantly, its children.

In the Municipal Code of Ethics, the Anchorage Assembly outlines exactly how employees and officials should maintain the public's trust. This code significantly impacts ASD employees. It addresses gifts, political activities, income sources, and many other important topics.

Employees should become familiar with the code of ethics as it affects each of us and our families. This handbook summarizes aspects of the code most likely to impact ASD staff.

I know that ASD employees uphold the highest standards of ethical behavior and act as excellent role models for our students. Ethics and appropriate behavior go far beyond what is outlined in the Municipal Code of Ethics. I hope you will find this handbook helpful.

Best wishes for an outstanding school year.

Carol

Carol Comeau
Superintendent

DISCLAIMER: This handbook is for educational purposes only. All employees are responsible for reading AMC 1.15 and ASD School Board policies 900-980. It must be noted that each situation is unique and the policy sections cited are for general reference. Employees are responsible for reviewing the appropriate policies for each situation and complying with the requirements therein.

INTRODUCTION

In January 2007 the Anchorage Assembly adopted extensive revisions to the Anchorage Municipal Code of Ethics. Changes to the code significantly impact Anchorage School District employees. The purpose of this handbook is to familiarize district employees with the revised Anchorage Municipal Code of Ethics (AMC chapter 1.15). This handbook is not intended to substitute for the official document. The revised Code of Ethics addresses:

- Standards and descriptions of prohibited conduct.
- Restrictions on outside employment.
- Contracting with the district.
- Accepting gifts.
- Disclosure requirements and forms.
- Reporting procedures for alleged violations.
- Sanctions for violators.
- New definitions.

For example, the new definition of “family members” now includes any non-relative member of the employee’s household, broadening the scope of disclosure requirements.

ASD employees are responsible for being aware of and adhering to the code provisions. Substantiated violations of the code may result in termination of employment, rescinding or canceling official actions such as contract awards, and civil fines. In particular, employees should be familiar with AMC sections 1.15.010-.025 and .060-.110.

Employment in the Anchorage School District is a privilege entrusted by the public. The Municipal Code of Ethics includes a statement of the duties and standards of conduct expected of all ASD employees, and the code assures the public this trust is well-placed. This handbook summarizes standards of conduct and the reasons behind these standards; it includes a guide to ethical decision-making, and it describes procedures regarding ethics inquiries and complaints.

DISCLOSURE

All district employees must disclose potential conflicts of interest. District employees must file a written statement with the Purchasing Department disclosing their financial or private interests in official action, and those of any member of their household, or any member of their immediate family. This disclosure must occur within 30 days of hire if the financial or private interest is present at that time, or upon acquiring such an interest. In addition, a statement must be filed annually, on or before July 1, disclosing financial or private interests in official action for the preceding calendar year. A person has a financial interest in a district action if the financial interest of the individual may vary with the outcome of the decision. The Purchasing Department will determine whether the disclosed financial or private interest is so substantial that preventive measures must be taken or the employee must be prohibited from participating in official action. In general, the following financial or private interests are not considered substantial:

- A personal or financial interest that is not of the magnitude that would exert an influence on an average, reasonable person.
- A personal or financial interest of a type that is generally possessed by the public or a large class of persons to which that official or employee belongs.
- An action or influence that would have an insignificant or conjectural effect on the matter in question.

Even if a district employee thinks a financial or private interest is not substantial, they should disclose it and let the Purchasing Department make the determination.

IMPROPER USE OF CONFIDENTIAL INFORMATION

District employees and officials may not disclose confidential information held by the district unless authorized or required by law to do so. District employees and officials may not use confidential information to advance their financial interest or the financial interest of others.

PERSONAL USE OF DISTRICT PROPERTY

District employees and officials shall not use district property for non-district purposes.

Example: Carl plows school parking lots in the winter. While doing the lots at a south side school near where his elderly, widowed aunt lives, he considers plowing her rather long driveway. She's on a pension, could use the help, and he'd be doing her a big favor. Should he help her out?

Comment: Carl should help his aunt, but not with district property or on district time. It's not fair to the public at large and a complaint would be justified. Moreover, Carl could do damage to the district vehicle, or to his aunt's property, which would cause additional problems and is outside the scope of his employment.

OUTSIDE CONTEMPORANEOUS EMPLOYMENT

ASD employees and officials may pursue activities outside of their work duties. However, district employees and officials may not engage in business or accept employment outside the district if the activity conflicts with district duties or policies or if it adversely affects the employee's availability, productivity, or independent judgment in performing their district duties.

In addition, district employees who leave district service may not represent, advise or assist a person for compensation for one year after leaving regarding a matter that they participated in while they were an employee, if that participation was substantial.

REPORTING OF OUTSIDE CONTEMPORANEOUS EMPLOYMENT

Regular employees who have or intend to have contemporaneous service or employment, including self-employment, must report that service or employment on a form provided by the district. Regular employees are defined as non-temporary employees and long-term substitutes. The following activities need not be reported unless there is a potential that the contemporaneous service or employment may violate other provisions of the district's ethics policy or municipal code:

1. Service or employment in a profession, skill, or trade different from any profession, skill or trade the employee performs as part of his or her job duties for the district.
2. Service or employment performed entirely outside the employee's scheduled work year.

Regardless of whether the service or employment is reported, employees are still subject to ASD Board Policy 930 Contemporaneous Service and the Anchorage Municipal Code of Ethics. Any employee engaged in contemporaneous employment falling outside these exclusions and having a potential for conflict of interest must submit a conflict of interest waiver pursuant to ASD Board Policy 725.43.

Example #1: A teacher works for a private tutoring company that provides Supplemental Educational Services to eligible Title I students after school. Would the teacher have to report this employment? Is it a conflict of interest?

Comments: As this employment is in the same profession performed by the employee throughout the contract day, the outside employment would have to be reported. However, there is no conflict of interest, so no additional waiver needs to be filed.

Example #2: An individual working for the Accounting Department drives tour buses on weekends during the summer. Would this need to be reported?

Comments: This would not need to be reported because the employment is in a different profession, skill, or trade from the employee's job duties.

Example #3: An ASD music teacher performs at weddings and other social events throughout the school year. What are the reporting requirements?

Comments: The music teacher need only report annually that he/she performs at social events throughout the year. The teacher does not need to report every single performance.

IMPROPER GIFTS

Under most circumstances district employees and officials cannot accept gifts or gratuities from someone doing business with the district. Gifts must be reported to a supervisor. If the value or nature of the gift requires it, a Gift Disclosure form must be filed with the employee's supervisor **AND** with the Municipal Clerk's office within 10 days of receipt of the gift. There are a few exceptions but these new rules are stringent. Occasional gifts worth less than \$50 are allowed, but circumstances may still indicate gifts of low

value are intended to influence an employee's independent judgment. Employees should thoroughly review AMC section 1.15.025(H) before accepting any gifts. If in doubt, report the gift.

Example: A group of concerned citizens want to meet with Donald on a matter pertaining to his department's policies. They invite him to lunch to meet and discuss the issue. Should he accept?

Comment: According to the Ethics Code, meals offered as a courtesy in the course of doing district business may be accepted as long as the value (including beverage) does not exceed \$50.00. If the value of the meal exceeds \$50.00, it must be disclosed on the Gift Disclosure form. However, having the same people or business frequently pick up lunch or dinner tabs raises questions concerning prohibited conduct under AMC section 1.15.020, especially if Donald's official actions favor the business or group. Therefore, it is recommended Donald pay for his own meal to avoid questions regarding what Donald does in return for paid meals. If Donald is using his position to get free meals on a regular basis, he is violating the Code of Ethics.

POLITICAL ACTIVITY

There are several restrictions on political activity that impact ASD employees:

- District employees are citizens who are free to participate in the political life of the community, however they may not engage in political activities while on duty. (There is a narrow, specific exception for advocacy on ballot measures by an executive employee as designated by the mayor or school board.) When off duty, ASD employees cannot appear that they are representing the district when engaging in political activities. Actions should not suggest the employee has official district endorsement for a political position.
- District employees are free to make or receive political contributions. However, no employees or officials shall compel, coerce or intimidate any person to make or refrain from making any political contribution.
- District employees cannot use district funds for paid advertisements that advocate for a particular political position, candidate, or legislation.
- Advertisements or public information paid for and distributed by the district must be neutral and balanced.
- A district employee shall not serve as a member of the School Board or hold elected public office. If elected to public office, an employee must resign their district position. Employees are not prohibited from serving on the Assembly, Community Council Boards, or local Service Area Boards.

Example: Esther is the principal of school A and is a life-long member of a well-established political party. Assemblyperson Frederick, who is a member of the same party, is running for re-election. She is very enthusiastic about Frederick and would like to see him re-elected. She thinks it might be a good idea to announce his re-election, pass out some fliers at the next staff meeting, and explain why she thinks he'll be such a good candidate. Should she follow through on her plan?

Comments: No. Because Esther is a principal and is using district time to advocate for her favorite political candidate, the employees in her school may feel coerced into supporting the candidate. They may be afraid that unless they support the candidate, they might not get fair treatment in the workplace by the

principal. Also, even if Esther was not a principal, she would be using district property and time for political campaigning - a clear violation of the ethics code.

Example: What if Esther was not a principal, and limited her activity to simply wearing a button promoting Frederick while on duty?

Comment: Esther's button, while worn at work and on duty, constitutes campaigning or political endorsement and is therefore prohibited while she is on duty. Esther would, however, be allowed to post a sign endorsing a candidate in her personal vehicle.

CONTRACT INDUCEMENTS

District employees and officials cannot accept a payment, gratuity or offer of employment from any contractor or subcontractor as an inducement to award them or a third party a district contract.

Example: Mary writes contract specifications for product ABC, widely used in the district. The local vendor that sells and distributes a brand of product ABC offers to fly her to the factory in Florida, near Orlando, to see the quality of production. Should she accept the offer?

Comment: No. A trip to Florida is valuable and would be seen by the average, reasonable person as influencing or biasing the ordinary duties of district employees or officials. Even though the intent of the offer may be business-related, it gives the appearance of being a payment for writing the contract specifications to the benefit of the vendor.

EMPLOYEES DOING BUSINESS WITH THE DISTRICT OR MUNICIPALITY OF ANCHORAGE

District employees who intend to have business dealings with the district or Municipality of Anchorage must file a "Notice of Intent to Respond to Public Solicitation" with the Purchasing Department and the Municipal Clerk's office. The notice is required when the employee or a member of the employee's household or immediate family plans to bid on or apply for district or MOA contracts, purchase orders, leases, grants, loans, or similar instruments. The notice is also required if the employee, immediate family member, or member of the employee's household has an interest in a business entity that intends to do business with the district or MOA. Employees are solely responsible for complete and timely filing of the notice. The process includes the following:

- File a Notice. The Notice of Intent to Respond to Public Solicitation form is available from the ASD Purchasing Department. It must be filed with the Purchasing Department more than seven (7) days prior to the deadline for submitting a response to the solicitation. It is generally the employee's statement of intent to acquire a financial interest in a district contract.
- Publish the Notice. At the expense of the employee, the Municipal Clerk publishes a copy of the statement electronically for a minimum of seven (7) calendar days prior to deadline for submitting a "bid". The Municipal Clerk will collect the cost of publication at the time the form is submitted. It is also posted publicly.
- Review and Award. The employee's bid is ineligible for award if the notice is incomplete or not filed with the Purchasing Department on time. The employee's supervisor and designated Ethics Officer must review it and confirm no potential for conflict exists or any potential conflict can be

managed with preventive measures that are described in writing. The Purchasing Department must confirm the public solicitation process was not adversely affected. After award, the form is retained by the Purchasing Department and is open to the public for review.

Conflicts of interest may be avoided if employees or officials discuss the matter with their supervisor and the Director of Purchasing prior to pursuing the contract.

Example: Vince is a computer network technician for the district. He hears the district is putting a networking project out for bid. He is qualified to do the work, so he gets a business and contractor license and decides to make a bid on the contract. What should he do?

Comment: Vince needs to do several things. First, he must make sure the information he received about the bid was generally known to the public, and not privileged or confidential information gained from his position. Second, he must file a Notice of Intent to Respond to Public Solicitation with the Purchasing Department and the Municipal Clerk's office. Third, he should also discuss the matter with his immediate supervisor and the Director of Purchasing in order to avoid a conflict of interest due to his anticipated outside contemporaneous employment. He must also be certain the work he does for the district—should he get the bid—will not conflict with his regular job.

DEFINITIONS

confidential information – information that by law or Municipal code is not subject to public disclosure.

contemporaneous employment – non-district employment that exists, occurs, or originates during the same time as your regular employment with the district.

contract – a business contract, purchase order, lease, grant, loan, or similar instrument of district procedure.

district employee – any person employed by the Anchorage School District, whether full-time, part-time, temporary, substitute, or regular.

economic interest – a benefit, financial interest, special privilege, or contractual relationship.

engaging in business – a current contract or arrangement, or the submission of an oral or written proposal, to provide goods or services to the district.

financial interest – an expectation of receiving a monetary benefit or the receipt of a monetary benefit. A financial interest of a person includes any financial interest of a member of that person's household. A person has a financial interest in an organization in which that person has an ownership interest, or is a director, officer or employee.

gratuity – is something that has value given in anticipation of special consideration from an employee or official.

immediate family – includes any member of the person's household, as well as the person's spouse, child (including a stepchild or adoptive child), parent, sibling, grandparent, aunt, uncle, and parent or sibling of the person's spouse.

organization – any corporation, partnership, firm, or association, whether organized for profit or non-profit.

private interest – an interest affecting, belonging or accruing to an individual or private entity as distinct from the public interest at large.

RELATED ASD SCHOOL BOARD POLICIES

900 Code of Ethics

900 Purpose

The purpose of the 900 policies is to assist employees in avoiding situations that may create a conflict of interest, and to inform employees and the public of the limitations placed on District employees. All ASD employees are defined as municipal employees in the Anchorage Municipal Code of Ethics and are therefore subject to the code. This policy will follow said Code except where the Code has provided for specific ASD exclusions.

Employees are encouraged to review the current updated ASD School Board policies 900-980 found on the ASD website at [www.asdk12.org/School Board/policy/](http://www.asdk12.org/School_Board/policy/).