
ANCHORAGE SCHOOL DISTRICT
ETHICS HANDBOOK



Information for
ASD Employees

April 2019

DISCLAIMER: This handbook is for educational purposes only. All employees are responsible for reading AMC 1.15 and ASD School Board policies BP. 4119.21/4219.21/4319.21. 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

The purpose of this handbook is to familiarize district employees with the Anchorage Municipal Code of Ethics (AMC chapter 1.15). This handbook is not intended to substitute for the official document. The 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

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, voiding, rescinding or canceling official actions such as contract awards, and civil fines.

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 immediate family, as defined by Municipal Code 1.15. This disclosure must occur within 30 days of hire if the financial or private interest is present at that time or at the earliest opportunity after having acquired knowledge that the employee, or an immediate family member intends to do business with the District or the Municipality of Anchorage. 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 AR 4135.2/4235.2/4335.2 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.

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.

GIFTS

As a general rule, an employee may not accept a gift from an individual or an entity with interests that may be substantially affected by the performance of the person's official municipal/ASD duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the person's judgment in exercising official municipal duties. Employees should thoroughly review AMC section 1.15.050(H) before accepting any gifts. The attached [HR Guidance Form #051 Gift Receipt General Guidelines](#) provides further guidelines concerning gift receipt.

Prior approval must be received from the Municipal Ethics Board before using a gift that does not fall within the gift guidelines.

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. However, having the same people or business frequently pick up lunch or dinner tabs raises questions concerning prohibited conduct under AMC section 1.15.050, 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 were 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 have an approved request for waiver on file with the ASD Purchasing Department and 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:

- Request for Waiver - A Request for Waiver form is available from the [ASD Purchasing Department's conflict of interest webpage](#). The waiver must be approved by the Superintendent or Designee before an employee can submit a competitive bid, proposal, or quotation to provide the following goods or services to the School District. Granted waivers expire on the last day of the fiscal year in which they are granted and must be renewed annually. If the employee wishes to submit a bid, proposal or quotation on a District or municipal contract in any year after his/her waiver has expired, he/she must request and be granted a new waiver for each new fiscal year before he/she may submit such a bid, proposal or quotation.
- File a Notice. The Notice of Intent to Respond to Public Solicitation form is available from the Municipal Clerk. 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 an approved waiver is not on file, the notice is incomplete or not filed with the Purchasing Department on time, or all other requirements of Section 1.15 of the Municipal Ethics Code and School Board Policy AR 3311.1(e) are not followed. 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 custodian for the district, and co-owns an IT consulting business. He hears the district is putting a networking project out for bid. He is qualified to do the work and decides to make a bid on the contract. What should he do?

Comment: Vince needs to do several things. First, he must request a waiver to do business with the District. Second, 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. Third, he must file a Notice of Intent to Respond to Public Solicitation with the Purchasing Department and the Municipal Clerk's office. Fourth, 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 which 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 municipal government

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 – The spouse, child (including a stepchild and an adoptive child), parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse; and any member of the person's household.

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



ANCHORAGE SCHOOL DISTRICT
Gift Receipt General Guidelines
AMC 1.15.050

The following guidelines are intended to simplify gift standards and eliminate disclosure requirements for certain items, including small gifts, homemade gifts, gifts for immediate consumption or display expressing general appreciation or holiday cheer, and discounts and prizes generally available to public sector employees or to large groups or employees.

An item is a “gift” if it is: of value provided to a municipal/ASD employee, including but not limited to money, cash equivalents, services, discounts, meals, and entertainment.

Prior approval must be received from the Municipal Ethics Board before using a gift that does not fall within the gift guidelines stated below.

Under AMC 1.15.050, General Rule: A municipal/ASD employee may not:

- *Accept a gift from an individual or an entity with interests that may be substantially affected by the performance of the person’s official municipal/ASD duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the person’s judgment in exercising official municipal/ASD duties.*

Examples: Unless other factors of influence are present or inconsistent with the general rule, an employee may accept the following gifts:

- An item given for a special occasion voluntarily by ASD coworkers.
- A perishable item given for consumption or display, by member(s) of the public or a classroom expressing general appreciation or holiday cheer, shared with an office, work group, or classroom.
- A discount, prize, or award available to public sector employees generally, or to a large business category of public employees.
- A monetary award or commemorative item presented to a municipal/ASD employee in recognition of meritorious, civic, or voluntary service presented by a recognized civic, philanthropic or non-profit charitable organization.
- An item, homemade or handmade, crafted by the giver.
- An occasional gift or meal worth \$50 or less.
- Tickets, including entry and meal, to events held by a non-profit organization.
- Tickets, including entry and meal, to civic events hosted by government agencies, civic organizations, or community service clubs consistent with the mission of the public servant’s work group.
- Items such as employee travel discounts, vendor-provided

Supplemental rules for Anchorage School District employees:

In addition to the items set forth in the examples section above, ASD employees may accept the following items:

- Supplies, equipment, monetary and in-kind gifts made through the PTA, parent forum, booster club, other similar community groups, or the principal.
- Contributions from ASD business partners.
- Tickets for events or trips for which an ASD employee serves as a mentor or chaperone.
- Discounts for educational supplies.

Reservation for Exceptions:

- The Board or a Municipal Ethics Officer may review and approve a gift which is consistent with the public policy concerns underlying limitations on gifts to public servants (influence, appearance of influence, conflict of interest, public trust). Gifts may be redirected for disposition to a charitable organization or return to the donor. **Where the Ethics Code requires that an individual seek review from the Municipal Ethics Board or Municipal Ethics Officer, an exception/approval must be obtained prior to use of the gift.**

Contact the Municipal Clerk at 343-4312 or visit the Municipal Ethics website at:
<http://www.muni.org/Departments/Assembly/Ethics/Pages/default.aspx> for review requirements.