

## DAYTON CITY SCHOOL

### CODE OF ETHICS

#### Section 1. Applicability.

This is the code of ethics for personnel of the School District and officials and employees of the School District. "School district" means Dayton City School District, which was duly created by 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. "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. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the School District.

#### Section 2. Definition of "Personal Interest."

(1) For purposes of Sections 3 and 4, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a School District not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

#### Section 3. Disclosure of Personal Interest by Official with Vote.

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

#### Section 4. Disclosure of Personal Interest in Nonvoting 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 a form provided by and filed with the Director of Schools. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

Section 5. Acceptance of Gratuities, etc.

An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the School District:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

Section 6. Use of Information.

(1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

Section 7. Use of School District Time, Facilities, etc.

(1) An official or employee may not use or authorize the use of School District, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of School District time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the School District to be in the best interests of the School District.

Section 8. Use of Position or Authority.

(1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the School District.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the School District.

Section 9. Outside Employment.

An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the School District position or conflicts with any provision of the laws of the State of Tennessee or policy of the School District.

Section 10. Ethics Complaints.

(1) An Ethics Committee is hereby created pursuant to the requirements set forth herein. Each committee member shall be at least twenty-one (21) years of age, a resident and citizen of the City of Dayton for a period of at least six (6) months preceding the appointment, and of good moral character.

Said Ethics Committee members shall serve a one (1) year term, with the first term to begin on October 1, 2008. The Ethics Committee members may serve up to two successive terms before being replaced and, after the expiration of one year without serving, may be reappointed to the Ethics Committee. The Ethics Committee members shall be appointed by the Chairman of the School District.

Upon the written request of an official or employee potentially affected by a provision of this policy, the Ethics Committee may render an oral or written advisory ethics opinion based upon this policy and other applicable law.

(2)(a) Except as otherwise provided in this subsection, the Ethics Committee shall investigate any credible complaint against an appointed official or employee charging any violation of this policy, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the Ethics Committee's judgment, constitutes a violation of this code of ethics. All decisions made by the Ethics Committee herein shall be voted on by all three (3) members (full Committee) and shall be passed by at least two (2) affirmative votes of the three (3) members.

(b) The Ethics Committee may request that the School District appoint the School District attorney or hire another attorney, individual, or entity to act in place of an Ethics Committee member or the Ethics Committee when the Ethics Committee or one of its members has or will have a conflict of interest in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the School District's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the Ethics Committee or another individual or entity chosen by the governing body.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics."

#### Section 11. Violations.

An elected official or appointed member of a separate School District board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this policy is subject to punishment as provided by the applicable law or applicable School District policy and in addition is subject to censure by the School District. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

DAYTON CITY SCHOOL - REGULARLY SCHEDULED MEETING

DATE: SEPTEMBER 8, 2008

TIME: 5:45 P.M.

The meeting was called to order by Chairman Vincent at 5:45 P.M.

The opening prayer was given by Superintendent Fisher.

The Pledge to the flag was led by City Recorder Solomon.

Recorder Tom Solomon called the roll with the following being present: Board Member Bobby Doss, Board Member Bill Graham, Board Member John Heath, Board Member Gary Louallen, and Chairman Bob Vincent.

Chairman Vincent called for Agenda Item 2 – Recognition of public wishing to address the board.

Michael Arnold spoke regarding the soccer team. He said they only have about 12-13 girls practicing, which does not leave room for subs during a game. He said that previously the Board said not to combine with Rhea Central. He reported that they are requesting a one time allowance to play in the league with a combined team. He asked the Board for permission to combine with the 6 players from Rhea Central for this year.

Board Member Heath moved to allow Dayton City School to combine with Rhea Central's soccer players for this school year only. Motion seconded by Board Member Doss.

Board Member Doss asked what happens next year if we have the same problem.

Michael Arnold said they would be having soccer tryouts in the spring and would know if they will be able to have a team before the season starts. He said he does not foresee this problem happening next year.

VOTE:

DOSS, AYE	GRAHAM, AYE	HEATH, AYE
LOUALLEN, AYE	VINCENT, AYE	MOTION CARRIED.

Chairman Vincent called for Agenda Item 3 – Approval of agenda.

Board Member Graham moved to approve the agenda as presented. Motion seconded by Board Member Heath.

VOTE:

DOSS, AYE	GRAHAM, AYE	HEATH, AYE
LOUALLEN, AYE	VINCENT, AYE	MOTION CARRIED.

Chairman Vincent called for Agenda Item 4 – Approval of minutes from August meeting.

Board Member Heath moved to approve the minutes as presented. Motion seconded by Board Member Graham.

VOTE:

DOSS, AYE                      GRAHAM, AYE                      HEATH, AYE  
LOUALLEN, AYE      VINCENT, AYE                      MOTION CARRIED.

Chairman Vincent called for Agenda Item 5 – Recognition of Character Education award winners for September (Respect).

Chairman Vincent presented the Character Education winners with a plaque.

Chairman Vincent called for Agenda Item 6 – Presentation of current enrollment data-review of classroom space available.

Superintendent Fisher reported that there are 751 students enrolled as of today. He said they are very close to having to add another class in the Kindergarten through 3<sup>rd</sup> grade classes.

The Board discussed how the open classrooms are being used.

Chairman Vincent called for Agenda Item 7 – Consideration of Extended Contract proposal for 2008-2009.

Superintendent Fisher reported the grand total for extended contracts as being \$12,026.00.

Board Member Graham moved to approve the Extended Contract proposal in the amount of \$12,026.00 and authorizes the appropriate parties to sign. Motion seconded by Board Member Doss.

VOTE:

DOSS, AYE                      GRAHAM, AYE                      HEATH, AYE  
VINCENT, AYE                      MOTION CARRIED.

Chairman Vincent called for Agenda Item 8 – Consideration of revised Code of Ethics policy.

Attorney Arnold said she tweaked the City of Dayton policy to work for Dayton City School.

\* Board Member Graham moved to approve the Dayton City School Code of Ethics policy and authorizes Superintendent Fisher to send to the State committee for approval. Motion seconded by Board Member Heath.

VOTE:

DOSS, AYE                      GRAHAM, AYE                      HEATH, AYE  
LOUALLEN, AYE      VINCENT, AYE                      MOTION CARRIED.

Chairman Vincent appointed Steve Randolph, Bill McPheeters, and Bill Ewing to the Ethics Committee.

Chairman Vincent called for Agenda Item 9 – Hear from Susan Perrin regarding food service items.

Cafeteria Manager Perrin requested signatures on two documents required by the State.

Board Member Heath moved to approve the Procurement of Local Agriculture Products and authorizes the Chairman and the Superintendent to sign. Motion seconded by Board Member Doss.

VOTE:

DOSS, AYE                      GRAHAM, AYE                      HEATH, AYE  
LOUALLEN, AYE      VINCENT, AYE                      MOTION CARRIED.

Board Member Graham moved to approve the Certification of Compliance for school year 2008-2009 and authorizes the Chairman and the Superintendent to sign. Motion seconded by Board Member Doss.

VOTE:

DOSS, AYE                      GRAHAM, AYE                      HEATH, AYE  
LOUALLEN, AYE      VINCENT, AYE                      MOTION CARRIED.

Chairman Vincent called for Agenda Item 10 – Review of DCS soccer program.

PASS OVER – Mr. Arnold spoke earlier in the meeting on this subject.

Chairman Vincent called for Agenda Item 11 – Review auditorium information.

Chairman Vincent said we need to continue to work toward this.

Superintendent Fisher discussed the different phases that would be needed to complete the project and approximate cost.

Board Member Graham asked if anybody recalled what kind of revenue we could expect from the sales tax referendum. Board member Graham asked the City Recorder to look into the figure.

Chairman Vincent called for Agenda Item 12 – Other Items.

Superintendent Fisher and the Consolidated Health Coordinators reported that they would be having fun runs, BMI checks, a month of health, etc. educating the students.

Superintendent Fisher reported that they have had some expenses as far as air conditioners and compressors already this year and that they have had some difficulty with the cooler in the cafeteria.

Board Member Doss said he had a correction to the new cover sheet to the Policy Manual; his middle initial is J.

There being no additional business to come before the Board, Chairman Vincent declared the meeting adjourned at 6:22 P.M.

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RICHARD FISHER, SUPERINTENDENT

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BOBBY D. VINCENT, CHAIRMAN

OTHERS PRESENT:

SARA NICHOLS  
RONNIE RAPER  
LINDA ABEL  
MIKE LATHAM  
MICHAEL ARNOLD  
MARTHA HICKMAN  
DEBBIE WILLIAMS  
LYNDIE COTTON  
DOROTHY MONTGOMERY  
SUSAN PERRIN  
VICKI MASSENGILL  
KIM TRAVIS  
BILL NEWMAN  
TOM BOWMAN  
HEIDI BOWMAN  
CAYSA EISENMENGER  
TOM DAVIS  
BRANDI McSPADDEN