



4300 Mouse Creek Road, NW • Cleveland, TN 37312 • phone (423) 472-9571 • fax (423) 472-3390

Martin E. Ringstaff, Ed.D
Director of Schools

Cathy B. Goodman, Ed.S.
Assistant Director

June 19, 2012

Ms. Becky Bradley
Ethics Specialist
State of Tennessee
Bureau of Ethics and Campaign Finance
Tennessee Ethics Commission
404 James Robertson Parkway, Suit3 104
Nashville, TN 37243

2012 JUN 20 AM 11:08
RECEIVED
OFFICE OF THE ATTORNEY GENERAL
NASHVILLE, TN 37243

Dear Ms. Bradley:

This letter is in regard to your letter dated June 12, 2012 regarding T.C.A. Section 8-17-103(a). Enclosed is Cleveland City Board of Education policy 1.106 Code of Ethics issued on January 5, 2009. I was not aware that our policy not been filed with your office and apologize for the oversight.

Thank you for bringing this to our attention.

Sincerely,

Martin Ringstaff, Ed.D.
Director of Schools

Cleveland City Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Code of Ethics	Descriptor Code: 1.106	Issued Date: 01/05/09
		Rescinds:	Issued:

CODE OF ETHICS

CLEVELAND SCHOOL DISTRICT

Section 1: Applicability. This is the code of ethics for personnel of the 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 Board.

Section 2: Definition of "personal interest."

- (1) "Personal interest" means:
 - (a) Any financial, ownership, or employment interest in the subject of a vote by the Board of Education 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 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 a form provided by and filed with the central office. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter.

1 **Section 5: Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly,
2 any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the school
3 district.

- 4
- 5 (1) For the performance of an act, or refraining from performance of an act, that he or she would be
6 expected to perform, or refrain from performing, in the regular course of his duties; or
7
 - 8 (2) That might reasonably be interpreted as an attempt to influence his or her action, or reward him or
9 her for past action, in executing district business.

10

11 **Section 6: Use of information.**

- 12
- 13 (1) An official or employee may not disclose any information obtained in his or her official capacity or
14 position of employment that is made confidential under state or federal law except as authorized by
15 law.
 - 16
 - 17 (2) An official or employee may not use or disclose information obtained in his or her official capacity
18 or position of employment with the intent to result in financial gain for himself or herself or any
19 other person or entity.

20

21 **Section 7: Use of district time, facilities, etc.**

- 22
- 23 (1) An official or employee may not use or authorize the use of the school district's time, facilities,
24 equipment, or supplies for private gain or advantage to himself or herself.
 - 25
 - 26 (2) An official or employee may not use or authorize the use of district time, facilities, equipment, or
27 supplies for private gain or advantage to any private person or entity, except as authorized by le-
28 gitimate contract or lease that is determined by the school board in the best interests of the school
29 district.

30

31 **Section 8: Use of position or authority.**

- 32
- 33 (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise,
34 in the name of the school district.
 - 35
 - 36 (2) An official or employee may not use or attempt to use his or her position to secure any privilege or
37 exemption for himself or herself or others that is not authorized by the district's policies.

38

39 **Section 9: Outside employment.** An official or employee may not accept or continue any outside em-
40 ployment if the work reasonably inhibits the performance of any affirmative duty of the school district
41 position or conflicts with any provision of the district's policies.

42

43 **Section 10: Ethics complaints.**

- 44
- 45 (1) The city attorney is designated as the ethics officer of the district. Upon the written request of an of-
46 ficial or employee potentially affected by a provision of this chapter, the city attorney may render an
47 oral or written advisory ethics opinion based upon this chapter and other applicable law.
- 48
- 49

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

- (2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his or her own initiative when he or she acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.
- (b) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he or she has or will have a conflict of interests in a particular matter.
- (c) When a complaint of a violation of any provision of this chapter is lodged against a member of the 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 city attorney 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, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this code of ethics.

Section 11: Violations. An elected official or appointed member of a separate municipal board, commission, committee, corporation, or other instrumentality who violates any provision of this policy is subject to punishment as provided by applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this policy is subject to disciplinary action.