

	MURFREESBORO CITY SCHOOL BOARD POLICY		
	Descriptor Term:	Descriptor Number:	Date Adopted:
	CODE OF ETHICS	BO 40	12/08
	Revision Adopted:		

I. DEFINITIONS.

- A. "School district" means Murfreesboro City Schools, which includes all boards, committees, commissions or authorities appointed or created by the school district or an official of the school district.
- B. "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, or authority (whether compensated or not), or any officer, employee or servant thereof, of the school district.
- C. "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. A financial interest which benefits or which may benefit the official or employee or their family members, by one thousand dollars (\$1000.00) a year or more is a "personal interest" requiring disclosure under these standards.

II. 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.

III. 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 MCS Human Resources Director. 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.

IV. ACCEPTANCE OF GIFTS AND OTHER THINGS OF VALUE.

- A. Officials and employees of Murfreesboro City Schools have the responsibility of maintaining the public trust by performing their duties with honor and integrity.
- B. Officials and employees shall not solicit any gift, rebate, favor, gratuity, money, present, fee or any promise, obligation or contract for future rewards or compensation where there is any connection between the solicitation and the employee or representative's connection with the Murfreesboro City Schools which could reasonably be interpreted by the public as being a gift, rebate, favor, gratuity, money, present, fee or any promise of future rewards or compensation capable of influencing the employee or representative's judgment in the person's discharge of duties as an employee or representative of Murfreesboro City Schools.
- C. Officials and employees shall not accept any gift of money in any amount, or any gift, rebate, favor, gratuity, or present of such value or under such circumstances as to suggest to reasonable persons it constitutes a "kickback" or quid pro quo for favorable treatment. Nothing stated above shall prevent an employee from accepting a gift of modest value such as a ball cap, a meal, a Christmas flower, box of candy, baby gift, wedding gift, or other special occasion gift of modest value where similar gifts are given in the ordinary course of business in the private sector. Acceptance of any other type of gift estimated to be over \$100 in value must be reported to the MCS Human Resources Director.
- D. This policy shall not apply to legitimate campaign contributions which are properly reported in accordance with the State of Tennessee election laws, when the Murfreesboro City Schools system official or employee is a candidate for public office.
- E. It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of school board officials or by an umbrella or affiliate organization of such statewide association of school board officials.

**MURFREESBORO CITY SCHOOLS CODE OF ETHICS
CONFLICT OF INTEREST DISCLOSURE STATEMENT**

Instructions: This form is for reporting personal interests required to be disclosed under Section III of the Code of Ethics of this Murfreesboro City Schools. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

1. Date of disclosure: _____

2. Name of official or employee: _____

3. Office and position: _____

4. Description of personal interest (describe below in detail):

Signature of official or employee

Witness Signature

Printed name of witness

Appendix - Applicable State Laws

In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of elected officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in local government. **This summary is not intended to be an exhaustive listing of all existing applicable State laws.** For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

Campaign finance-T.C.A. Title 2, Chapter 10. Part One (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part Three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of interest-T.C.A. § 12-4-101 is the general conflict of interest statute that applies in all cities. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of interest-T.C.A. § 49-6-2003 applies to the department of education in all counties and prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

Conflict of Interest - T.C.A. § 6-54-107 - 108 applies in cities and prohibits any official from having a direct interest in a contract and requires all indirect interests in contracts to be publicly disclosed prior to a vote.

Conflict of interest-T.C.A. §§ 5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of county legislative bodies.

Conflict of interest disclosure statements-T.C.A. § 8-50-501 and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

Honoraria-T.C.A. § 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in their official capacity.

Fee statutes-T.C.A. §§ 8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized, and set penalties for charging excessive or unauthorized fees.

Consulting fee prohibition for elected county officials-T.C.A. §§ 2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing county legislative or administrative action.

Crimes involving public officials-T.C.A. § 39-16-101 and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

Official misconduct-T.C.A. § 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

Official oppression-T.C.A. § 39-16-403 prohibits abuse of power by a public servant.

Bribery for votes-T.C.A. §§ 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.

Misuse of official information-T.C.A. § 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information which was obtained in an official capacity and is not available to the public.

Ouster law-T.C.A. § 8-47-101 sets out conduct that is punishable by ouster from office, including misconduct in office and neglect of duty.

Mrs. Baker explained the proposed board policy titled Code of Ethics which must be approved or beginning January 1 the School Board would fall under the City of Murfreesboro's Code of Ethics. She explained the proposed Code of Ethics in regard to conflicts of interest and the acceptance of gifts.

Mrs. Duggin moved that Board Policy BO 40—Code of Ethics be approved as presented; Dr. Butrum seconded the motion. On roll call: Andrews—yes; Butrum—yes; Campbell—yes; Duggin—yes; Hopper—yes; Phillips—yes; Wade—yes. The motion carried.

- Continuation of Discussion of Board Work Sessions—Nancy Duggin
- Discussion of Adding “Other Business” or “Brief Comments” to the Regular Board Agenda—Butch Campbell

Mr. Campbell asked that before the meeting is dismissed, the Board consider his request to have “other business” added to the agenda. He noted the information Mrs. Baker had provided, and he has checked with other systems and found that they do it.

Mrs. Wade stated that she does not have a problem with having “other business” as long as the item is to promote the school board's efforts to work for children. It should not be used as an opportunity to discuss an inappropriate item, to be used as an opportunity to put a staff member on the spot, or to blindside anyone with information not available to the rest of the Board. Mr. Campbell stated that as Board Chair, Mrs. Wade could deny the discussion of a topic that she feels is inappropriate. Mrs. Wade stated that would be fine with her as long as everyone is in agreement should the situation warrant her to do so. Mr. Campbell said he is perfectly all right with that.

Dr. Andrews stated that at TSBA she did hear responses from other districts that they had at the beginning of the board meeting “approval of the agenda.” At that time, a board member could recommend for approval that an item be added to the agenda. Mrs. Baker referred to the proposed revision to Board Policy, BO 7—Agenda Preparation and Dissemination behind Tab 7. She pointed out that she has included in the proposed revision under “Agenda Format” approval of the agenda. At that time, a topic to be added to the agenda could be recommended. It was the consensus of the Board that for the January board meeting, the agenda be revised to include “Approval of Agenda.” The proposed revisions to BO 7 in its entirety would be brought to the Board for approval at the January board meeting.

- Discussion of Ways to Utilize Technology to be More Informed of the Day-to-Day Things that Occur Within the System; i.e., “Post Questions of Interest to All Our Stakeholders Via the Net”—Ray Butrum