

## VENTURA COUNTY BOARD OF EDUCATION

**ADMINISTRATIVE  
REGULATION NO. 2300**

**ADOPTED: 02/24/97**

**CLASSIFICATION: Administration**

**REVISED: 02/12/07  
02/25/08  
07/18/12  
07/28/14  
09/16/14  
08/25/16  
09/24/18  
11/12/19  
07/13/20  
11/03/21  
04/20/22  
08/11/23**

**SUBJECT: Conflict of Interest Code**

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### DESIGNATED POSITIONS

# OF POSITIONS	POSITION	DISCLOSURE CATEGORY	FILING OFFICER
5	Ventura County Board of Education Trustees	1	VCCB*
1	Ventura County Superintendent of Schools	1	VCCB*
1	Deputy Superintendent	1	VCOE
3	Associate Superintendents	1	VCOE
1	Assistant Superintendent	1	VCOE
1	Chief Technology Officer	1	VCOE
4	Executive Directors	1	VCOE
27	Directors (all others)	4	VCOE
1	Purchasing Manager	3	VCOE
Varies	Consultants**	**	**

*\* VCCB refers to Ventura County Clerk of the Board which is the acting Filing Officer for the Ventura County Board of Education Trustees and Ventura County Superintendent of Schools. Designated employees of the Ventura County Office of Education shall file with the Filing Officer of the Ventura County Office of Education.*

*\*\* Consultant refers to "Independent Contractors," not employees who have the title "Consultant." The disclosure, if any, required of a consultant will be determined on a case-by case basis by the Superintendent or his/her designee. If a particular consultant has or will have*

*disclosure requirements, the determination is to be made in writing. Unless so designated in writing, consultants are not subject to the disclosure requirements of this code. The determination should include a description of the consultant's duties and, based upon that description, a statement of the extent, if any, of the disclosure requirements. Each writing, or the combined writing, is a public record and is to be retained for public inspection either in the same manner and location as this Conflict of Interest Code, or, with appropriate documentation at the location where the Conflict of Interest Code is maintained, cross-referencing to the consultant determination(s).*

VCOE employees are responsible for performing their duties in good faith and in the best interests of the organization. Employees are expected to avoid activities, agreements, business investments or interests, or other situations that materially conflict or appear to conflict with the interests of the VCOE or interfere with the individual's duty to loyally serve VCOE to the best of his or her ability.

## DEFINITIONS

A "family member" is: (i) a spouse or domestic partner, (ii) a child, stepchild, parent or sibling of an employee or his/her spouse or domestic partner or (iii) any other relative current living with an employee or whose assets the employee controls.

A "financial relationship" means: (i) serving as employee, consultant, contractor or board member, (ii) being entitled to receive income, royalties, or payments, or (iii) having a significant investment or ownership interest.

A "senior manager" means the head of an employee's branch (Deputy Superintendent, Associate Superintendent or Assistant Superintendent as applicable).

A "significant" investment or ownership interest means a total equity interest held by the employee and all family members that exceeds \$10,000 in fair market value or represents more than a five percent ownership interest in any single entity.

## CONFLICTS OF INTEREST

A conflict of interest exists when an employee or a family member is in a position to benefit personally, directly or indirectly, from his or her relationship with a person or entity conducting business with the VCOE. All employees have an obligation to avoid conflict, or the appearance of conflict, between their personal interests and the interests of the VCOE and to avoid any situation that affects, or potentially could affect, his or her independent, unbiased judgment in the discharge of his or her duties to the VCOE. An employee should recuse himself or herself from making any decision relating to VCOE business, when the employee is aware of circumstances that might reasonably cause his or her impartiality to be questioned.

To say that one has a conflict of interest does not necessarily mean that the individual involved acted or is expected to act inappropriately. However, if a competing interest exists that creates a conflict of interest concern, certain actions by the individual is required.

Typical conflict situations are:

1. An employee reviews, approves, or controls a contractual or business relationship between the VCOE and a business with which the employee or a family member has a financial relationship.
2. An employee supervises, reviews, determines compensation or assigns work to a family member at VCOE.
3. An employee has, or is aware that a family member has, a significant interest in an outside business that provides goods or services to the VCOE.
4. An employee directs a grant, business opportunity or non-public information, that could be beneficial to the VCOE, to a third party with which the employee has, or is aware that a family member has a financial relationship.

If a family member of an employee lives with the employee, or an employee controls the assets of a family member, VCOE assumes that the employee will be aware of financial relationships that any such family member has with entities doing business with the VCOE. Even if a family member does not live with the employee, an employee is still obligated to report any potential conflict of which he or she becomes aware involving a family member, and recuse himself or herself from any decision to award business or other VCOE benefits to an entity with which a family member is known to have a financial relationship.

#### GIFTS, ENTERTAINMENT, AND GRATUITIES

It is VCOE's objective to award business to vendors on the basis of considerations such as quality, service, competitive pricing, and technical abilities. Gifts from vendors, contractors, and others conducting business (or seeking to conduct business) with VCOE may appear to be a gesture of goodwill and appreciation and may even be customary business practice, but employees should be aware that gifts are generally given with the intent to influence a current or future business decision, and accepting such gifts can therefore create conflicts of interest. Acceptance of a gift or other thing of value from a vendor performing work or selling goods (or seeking to do so) to be funded by the Federal or State government is also prohibited by Federal and State laws. It is the obligation of the employee responsible for a business relationship to handle gifts properly.

Consistent with this commitment, VCOE employees and members of their immediate families are prohibited from soliciting any personal gift, gratuity, favor, service, discount or other benefit (collectively, a "gift") from individuals or companies seeking any advantageous action by, or relationship with, the VCOE. The acceptance of a personal gift, even if unsolicited, is also prohibited in most instances. A gift valued in excess of \$50 or of undetermined value, unless employed for a VCOE purpose or shared widely within the VCOE or a unit thereof, must be declined or returned immediately. Multiple gifts from a single source in any calendar year are prohibited. Employees are prohibited from accepting gifts of money or their equivalent, regardless of the amount, at any time. Gifts of promotional items without significant value that are routinely distributed by vendors to clients, and courtesy copies of professional printed matter, may be accepted.

## CONFLICTS OF COMMITMENT

Employees are prohibited from earning additional compensation, either from the VCOE or from an outside party, for work performed during regular working hours. Employees may not use VCOE property or facilities for any business, professional or volunteer purpose not related to their position at the VCOE without the written approval of the County Superintendent.

## REPORTING AND RESOLVING CONFLICTS

All employees are required to promptly report to his or her Branch Head any actual or perceived conflict of interest or conflict of commitment. The decision on whether to approve a reported conflict should be made by the County Superintendent, after consulting with the employee's Branch Head and other designees as appropriate.

No general policy can anticipate every situation, and questions will arise as to whether a specific situation constitutes a conflict of interest or a conflict of commitment or may give rise to the appearance of such a conflict. Employees are urged, whenever in doubt, to report any applicable conflict to their supervisor or Branch Head. Failure to disclose a reportable interest or relationship or neglecting to comply with the VCOE's requirements for managing a determined or perceived conflict may subject the employee to disciplinary action up to and including termination of employment.

*NOTE: BP2300, Exhibit 2 was deleted upon approval of 11/12/19 revisions to AR2300.*