

Clayton County School System Ethics Commission SANCTIONING GUIDELINES

PART I GENERAL PROVISIONS

SECTION 1; Definitions. As used in this part, unless the context requires otherwise, the following terms have the following meanings.

(a) “Act” shall mean House Bill 1302, as amended.

(b) “Board” shall mean the Clayton County Board of Education.

(c) “Ethics Commission” shall mean the Clayton County School System Ethics Commission.

(d) “Relative” shall mean officer’s or employee’s spouse and the following relationships by consanguinity or affinity: father, mother, son, daughter, brother, sister, grandparent, and grandchild. For purposes of this section, the term "relative" shall also include any other person living in the household of the officer or employee.”

(e) “School System” shall mean the “Clayton County School System”

SECTION 2; Enactment of Legislation. House Bill 1302 was signed into law by the Governor on April 24, 2008.

SECTION 3; Code of Ethics Established. Section 2 of the Act establishes a code of ethics to govern the conduct of elected officials, appointed officers, and employees of the School System, consistent with the civil service system and state law.

SECTION 4; Board of Education. Section 3 of the Act provides that the Board shall consider and determine alleged violations of the code of ethics by employees and appointed officers of the School System.

SECTION 5; Ethics Commission. Section 4 of the Act creates the Ethics Commission and provides that the Ethics Commission shall determine and consider alleged violations of the code of ethics by members of the Board. Section 4 further provides that the Ethics Commission shall establish guidelines relating to the sanctions for various offenses consistent with the provisions of the Act.

SECTION 6; Incorporation by Reference. The Act, as it may from time to time be amended, is hereby incorporated herein by reference.

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SECTION 7; Purpose and Scope. In accordance with Section 4 of the Act, the Ethics Commission hereby establishes these Sanctioning Guidelines to prescribe the standards and methodology governing the imposition of sanctions for violations of the code of ethics as set forth in the Act.

PART II

VIOLATIONS & SANCTIONS

SECTION 1; Classification System. Violations of the ethical standards established in the Act are classified as either Class 1 or Class 2 violations as delineated herein.

(a) Prohibited Voting. It shall constitute a Class 2 violation for any Board member to:

- (1) Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which he or she, or his or her relative, has a financial interest;
- (2) Vote or otherwise participate in an appointment, employment, or promotion decision related to a relative;
- (3) Vote or otherwise participate in an appointment, employment, or promotion decision of a person when the public official knows or should know that such vote or participation would create a direct or indirect monetary benefit or economic opportunity;
- (4) Vote or participate in discussions or deliberations at any meeting of the board or any committee of the board of any issue before the board in which the board member or a relative of the board member has matters involving consideration of his or her conduct, matters which would inure to his or her financial or personal interests, or matters which would be a conflict of interest.

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(b) Unauthorized Disclosure of Information and Representation of Adverse Interests. It shall constitute a Class 2 violation for any Board member to:

- (1) Disclose information or use information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the Clayton County School System or any office, department, or agency thereof that is not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit, to advance his or her financial or other private interest, or to advance the financial or private interest of any other person or business entity;
- (2) Represent private interests in any action or proceeding against the school system or any office, department, or agency thereof;
- (3) Either directly or indirectly solicit membership in any professional organization or labor union which represents employees of the school system.

(c) Improper Use of Resources and Accepting or Soliciting Money and Things of Value. It shall constitute a Class 1 violation for any Board member to:

- (1) Engage in or accept private employment from or render services for private interests when such employment or service is incompatible with the proper discharge of such person's official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties;
- (2) Solicit, accept, or agree to accept gifts, loans, gratuities, entertainment, transportation, lodging, meals, any ticket of admission, discounts, payment, or service, except those of a value less than \$50.00, from any employee, student, parent, person, firm, or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the school system or any office, department, or agency thereof; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any campaign;

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- (3) Use district resources for personal or commercial enterprise;
- (4) Use property of the school system for personal benefit or profit except in accordance with policies and procedures promulgated by the board.
- (5) As a consequence of his or her position accept any honoraria. As used in this paragraph, the term “honoraria” means a payment of money or anything of value for any appearance, discussion, speech, or article by such official, or for travel and subsistence expenses in excess of any actual and necessary expenses in connection with such appearance, discussion, or speech.

(d) Solicitations and Business Dealings with School System. It shall constitute a Class 1 violation for any Board member to:

- (1) Engage in any business or transaction with or have a financial or other personal interest, direct or indirect, in the affairs of the Clayton County School System which would result in a financial benefit, except for a financial benefit of a nominal or incidental amount, to the official, appointed officer, employee, or relative of such person or which would tend to impair the independence of judgment or action in the performance of official duties;
- (2) Advertise business and professional services to the school system or its employees for personal gain;
- (3) Have a personal interest, directly or indirectly, in school real estate, school textbooks, or school materials and supplies of any kind whatsoever;
- (4) Sell, solicit, or offer for sale to the board or to any official or employee of the board, directly or indirectly, any kind of school real estate, textbooks, or school materials and supplies, or receive any salary, bonus, or commission on any such sale;
- (5) Have a financial interest in school buses, bus equipment or supplies, provide services for buses owned by the board, or sell gasoline to the board from a corporation in which the board member is a shareholder;

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(e) Failure To Make Mandatory Discloses. It shall constitute a Class 1 violation for any Board member to fail to satisfy the following disclosure requirements:

- (1) Any elected official, appointed officer, or employee of the school system who has any financial interest, directly or indirectly, in any contract or matter pending before or within any office, department, or agency of the school system shall disclose such interest in writing to the board. Any board member who has a financial interest in any contract or matter pending before the board shall disclose such interest, in writing, and such disclosure shall be entered on the records of the board. The disclosure of any salary received by a board member from the school system or any entity doing business with the school system may be accomplished by naming the entity and position held by the board member with such entity. Interest and dividends from entities doing business with the school system which are listed on a national stock exchange or have more than 100 stockholders do not have to be disclosed. Likewise, the disclosure of any salary received by an immediate relative of the board member may be accomplished by naming the relative and the position held. The board member also shall disqualify himself or herself from participating in any decision or vote relating thereto.

- (2) Prior to January 31 of each year, each elected official shall disclose publicly the identity of any relative employed by the Clayton County School System to the executive assistant to the board on such form as prescribed by the board.

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SECTION 2; Sanctions.

Class 1 violations are punishable by censure or reprimand of the Board member by the Ethics Commission.

Class 2 violations are punishable by removal of the Board member from office.

Provided however that if a Board member is found by the Ethics Commission to have committed two Class 1 violations in any five (5) year period, the Ethics Commission may order the removal of such Board member from office.

Aggravating and or mitigating circumstances may be considered when the commission issues sanctions. These circumstances must be substantiated by the evidence presented and shall permit the commission to consider issuing a sanction outside of the class designated for the violation .