

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: BBB, COA-RA, GGA, GGA-RA
Responsible Office: Chief Operating Officer
Deputy Superintendent of Schools

Employee Conflict of Interest

I. PURPOSE

To clarify areas that may cause an MCPS employee to be susceptible to a conflict of interest charge and specify the action taken if the regulation is violated

II. PROCEDURES FOR AVOIDING CONFLICT OF INTEREST

Each employee is expected to be knowledgeable about this regulation and to assume the responsibility to ensure that his/her individual behavior and activities are consistent with the policy of the Board of Education and not susceptible to conflict of interest in the areas such as those outlined below. In those instances not specifically covered by this regulation, or about which there is a question of interpretation, a request may be made to the deputy superintendent of schools for an interpretation or ruling.

A. Other Employment

1. Employees may, during the hours not required of them to fulfill appropriate assigned duties, engage in other employment providing such employment does not violate any pertinent section of this regulation. It is recognized that certain time requirements in addition to the normal work day will from time to time be made upon all professional personnel. These requirements, related to the individual's regular assignment with the school system, take priority at all times.
2. An employee who is on leave from MCPS, in a paid or unpaid status, may not be employed by MCPS in any capacity during the period of leave except with the written authorization of the associate superintendent, Office of Human Resources.

B. Endorsement

1. By virtue of an employee's position with, or through knowledge or skill gained from the school system, an employee shall neither endorse nor recommend:
 - a. A business firm or an individual for services they might render
 - b. A specific product
2. As a part of officially assigned duties, staff may provide references on employees or services and items furnished MCPS.

C. Tutoring (See also Regulation COA-RA, *School Visitors*)

1. No tutoring by employees for which a remuneration is received, which is in addition to his/her salary by MCPS, shall take place on the public school property of Montgomery County.
2. No regularly employed staff member in a school or center shall tutor, for a remuneration either during the school year or in the summer, any student who is enrolled in the school or center in which the staff member is employed, except during the summer in programs for disabled children where the number of specialized staff members are few. Any written requests from parents/guardians for such summer tutoring must be approved by both the community superintendent/designee and the associate superintendent for student and community services/designee.

D. Use of MCPS Movable Property

All MCPS movable property (including supplies, equipment, and motor vehicles) shall be used by employees for MCPS purposes only.

E. Supplies, Equipment, or Materials Produced by an Employee

1. Procurement by MCPS

Supplies, equipment, or materials produced by an employee during or prior to employment by the Montgomery County Public Schools, except as stated in item 2 below, may be purchased by the Montgomery County Public Schools on the same basis as any other item, provided the employee-produced supplies, equipment, or

materials are selected and approved for procurement in compliance with established procedure. The fact that the item was produced by said employee shall not be considered for or against its selection.

2. Property of MCPS

Supplies, equipment, or instructional materials produced alone by an employee of MCPS, or produced in association with other such employees, for which substantial time, facilities, or materials of MCPS have in any way been used, shall become the property of the Montgomery County Public Schools. In a situation where the activity is performed partially on private and partially on public time, the specific arrangement will be approved in advance by the superintendent of schools.

F. Supervision

An MCPS employee in a supervisory or leadership position may not directly supervise a spouse, relative¹, in-law, or another employee with whom he/she has a romantic relationship. Direct supervision is defined as responsibility for directing or overseeing the daily activities of an employee, evaluating the employee or conducting observations that would lead to an evaluation. MCPS supervisors, administrators, or designated leaders (for example, resource teachers or team leaders) who find themselves in a conflict of interest by being responsible for directing or supervising a spouse, relative, in-law or employee with whom the supervisor has a romantic relationship, must inform their direct supervisor, who in turn must notify the director, performance evaluation, Office of Human Resources. Action will then be taken to ensure that supervisory responsibilities for the employee are reassigned to another supervisor, or to reassign one of the employees involved.

III. VIOLATION

An alleged violation of this regulation is cause for an immediate investigation by the deputy superintendent of schools. If it is determined that an employee has violated this regulation, the employee may be suspended and/or terminated in accordance with Regulation GJC-RA, *Suspension and Termination of Professional Personnel* or Regulation GJD-RB, *Discipline or Discharge of Supporting Services Employees*, as appropriate.

Administrative History: Formerly Regulation No. 490-1, December 29, 1978 (directory information updated); revised November 16, 2000; revised April 9, 2002.

¹ A relative includes those related by marriage and step-relatives as well as blood relatives.