

Governance and Staffing

Conflict of Interest

This school policy is intended to give clarification from the school's Governing Body on those things that include, but are not limited to the school governance and staffing. The Governing Body uses school policy to clarify regulatory items or provide position the intended functions of the school. More detailed descriptions of items regarding governance and staffing may be found in ABC Charter School procedures, process, or school practices and plans.

Article I. Purposed and background

Section 1.01 General information

- (a) The purpose of the conflict of interest policy is to protect this public Organization's (ABC Charter School) interest when contemplating entering into a transaction or arrangement that might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to governmental, public, nonprofit or charitable organizations.
- (b) This policy was written with guidance from the Nevada Commission on Ethics Manual for public officers and public employees and other such related documents from the Commission for more operational definition of terms and relevance to Nevada Law including, but not limited to the following: consanguinity/affinity chart and conflict of interest guidance for voting. The Commission indicates that conflicts of interest can interfere with basic principles of fairness - everyone having the same burdens and benefits in our society. A public official may have many opportunities to take unfair advantage of his or her position or to gain a benefit at the expense of others. When public officers and employees ignore their conflicts of interest, the public trust becomes undermined. The public can lose faith in the integrity of government and the decision-making processes.

Review Responsibility:	Governing Body
Adopted:	[3/3/2007], [1/16/2014], 1/15/2009, 1/15/2015
Next Policy Review:	9/1/2011, 9/1/2014, 9/21/2021
Legal Reference:	

Article II. Definitions

Section 2.01 Interested persons

- (a) Any director, principal officer, or member of a committee with governing board delegated powers, which has a direct or indirect financial interest, as defined below, is an interested person.

Section 2.02 Financial interest

- (a) A person has a financial interest if the person has, directly or indirectly, through business, investment, or family.
 - (i) Compensation includes direct and indirect remuneration as gifts or favors that are not insubstantial.**

Article III. Procedures

Section 3.01 Duty to Disclose

- (a) In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transactions or arrangement. Members may elect to reference the Nevada Commission on Ethics guidance document for voting when there is an appearance of a conflict of interest.

Section 3.02 Addressing Conflict of Interests

- (a) An interested person shall disclose a potential conflict of interest at governing board or committee meeting, but after the presentation, it is the ultimate decision of the interested person to abstain, stay, or leave from any and all discussion and vote on the transaction or arrangement involving the possible conflict of interest.

Section 3.03 Violations of the Conflicts of Interest Policy

- (a) If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall

Review Responsibility:	Governing Body
Adopted:	[3/3/2007], [1/16/2014], 1/15/2009, 1/15/2015
Next Policy Review:	9/1/2011, 9/1/2014, 9/21/2021
Legal Reference:	

inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

- (b) If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action using one or all of the following: consulting with the Organization's legal counsel, informing the Organizations authorizing sponsor, or the Nevada Commission on Ethics.

Article IV. Evaluations

An inherent conflict of interest and/or appearance of impropriety arises when a supervisor or other school employee evaluates another employee with whom he or she is involved in an intimate or romantic relationship. Such a relationship between evaluator and the person to be evaluated taints the evaluation process, adversely affects employee morale and productivity, and compromises the school's interest in promoting qualified employees on a fair and objective basis. Although all school employees have the right to engage in a consensual intimate or romantic relationship with another employee, the evaluation process should not be compromised as a result of such private activity.

For purposes of this policy, an "intimate or romantic relationship" includes dating, sexual contact of any type, or any other similar private activity that may compromise an employee's ability to evaluate his or her partner effectively and impartially. A marital relationship is presumed to be an "intimate or romantic relationship."

Section 4.01 Employee duty

- (a) It is the duty of both employees involved in an intimate or romantic relationship to avoid the evaluation by one such employee of the other. The employee who is chosen to evaluate his or her partner shall consult with the governing body to select a suitable and qualified replacement. The person to be evaluated shall notify the school to select a suitable and qualified replacement in the absence of action taken by his or her partner. When a replacement evaluator is selected pursuant to this policy, the school shall respect the privacy of the employees involved in the intimate or romantic

Review Responsibility:	Governing Body
Adopted:	[3/3/2007], [1/16/2014], 1/15/2009, 1/15/2015
Next Policy Review:	9/1/2011, 9/1/2014, 9/21/2021
Legal Reference:	

relationship and shall not create any record of, or place in either employee’s personnel file, the reason for the need of a replacement evaluator.

Section 4.02 Actions after violating employee evaluation conflict

- (a) If, after an independent investigation, the school learns that an evaluation has been conducted in violation of this policy, the school may take any or all of the following actions, depending upon the circumstances:
 - (i) **Reevaluate the person who was evaluated for the evaluation period in question, this reevaluation will be conducted by a suitable and qualified replacement of his or her partner or former partner.**
 - (ii) **Create a record in both employees’ respective personnel files indicating that an evaluation was conducted in violation of this policy.**
 - (iii) **Take such other disciplinary action as is deemed appropriate**

Article V. Annual Certification Statements

Section 5.01 Each interested person shall annually sign an affirmation that such person

- (a) Has received a copy of the conflicts of interest policy,
- (b) Has read and understands the policy,
- (c) Has agreed to comply with the policy, and
- (d) Understands the Organization is public charter school entity authorized through a written charter through NRS 386 and in order to maintain its charter must engage primarily in activities, which accomplish its strategic framework, mission, and overall purpose of the school.

I hereby certify that I am an interested party of the organization and affirming with my signature below that I have received a copy of the conflict of interest policy.

DATED this ____ day of _____, 20__.

Signature _____

Print Name _____, Title _____

Review Responsibility: Governing Body
 Adopted: [3/3/2007], [1/16/2014], 1/15/2009, 1/15/2015
 Next Policy Review: 9/1/2011, 9/1/2014, 9/21/2021
 Legal Reference: