

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: August 28, 2003

RE: Advisory Opinion 03-01

At its July 17, 2003, meeting, the Ethics Review Panel adopted Advisory Opinion 03-01 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8363, "any Board member, employee, volunteer, or other person subject to the provisions of the policies of the Ethics Code may request that the Ethics Review Panel issue an advisory opinion concerning the applications of these policies." In an effort to keep individuals abreast of the Panel's interpretations of the Ethics Code policies, please share this information with your staff.

Consistent with the Panel's rules of procedure, you will note the deletion of the petitioner's name and any personally identifiable information in order to ensure anonymity. As subsequent advisory opinions are issued, they will be made available through Outlook.

If you or members of your staff have any questions, please contact Risa Schuster, Administrative Liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 03-01

This Advisory Opinion 03-01 is in response to a request made by the Petitioner, who indicates that a teacher of Baltimore County Public Schools is an owner or part owner of a company that imprints and embroiders shirts. Although the teacher does not formally advertise the product, orders are taken and sales of these shirts are made to the athletic department, faculty, and students. The availability of the product is known through word-of-mouth.

Policy 8363 of the Ethics Code prohibits employees from benefiting from business with the school system or from relationships with students.

The relevant sections of the Ethics Code are as follows:

ETHICS CODE: Conflict of Interest

Sec. 8363. 1. Outside Employment

(a) Board members, employees, and volunteers may not participate in outside employment if the work:

- *is incompatible with the proper performance of official duties*
- *impairs the impartiality or independence of judgment or action of the employee*
- *affects the performance of the employee.*

(b) A person engaged in outside employment may not:

- *benefit from business with the school system or from relationships with students*
- *represent any party before the school system*
- *use confidential information acquired in his or her official school system position for personal benefit or that of another.*

(c) Any employee with instructional responsibility shall not tutor, for compensation, any student whom he or she is currently teaching.

Section 8363 of the Ethics Code clearly states that an employee, engaged in outside employment, may not benefit from business with the school system or from relationships with students. The facts presented here indicate that the teacher is selling a product to fellow staff and students. Whether or not such product is overtly advertised or sold through word-of-mouth has no bearing on the finding that this activity is not consistent with, and is a violation of, Section 8363 of the Ethics Code.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on July 17, 2003.

Roland Unger, CPA, Chair
Meryl D. Burgin, Esq., Vice Chair
Donald A. Gabriel, Ph.D., Panel Member

Joy Shillman, Panel Member
Karen Strand, RN, Panel Member