

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: May 27, 2005
RE: Advisory Opinion 05-01

At its May 19, 2005, meeting, the Ethics Review Panel adopted Advisory Opinion 05-01 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8366, "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 Dr. Carol Batoff, Administrative Liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY
ETHICS REVIEW PANEL
ADVISORY OPINION 05-01

This Advisory Opinion 05-01 is in response to a request made by Petitioner, an employee of the Baltimore County Public Schools ("BCPS"), inquiring as to whether she may accept an opportunity to review and proofread materials, books and promotional materials for an outside company, Positive Promotions, for compensation, without such activity constituting a violation of the Ethics Code. The Petitioner asserts that to her knowledge Positive Promotions does not have a contract or do business with BCPS, she would not be purchasing any materials from Positive Promotions on behalf of BCPS, she is not in a position to influence such materials, nor would her name be associated with

these materials. Petitioner further states that all services would be performed through her home e-mail and using her home phone number.

The relevant sections of the Ethics Code are as follows:

ETHICS CODE: Conflict of Interest

Section 8363

Board members, employees, and volunteers shall not participate on behalf of the school system in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse, dependent child, ward, parent, or other who shares the Board member's, employee's, or volunteer's legal residence or a business entity with which they are affiliated.

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.*

5. Royalties/Personal Gain

(a) No royalties will be paid to employees or volunteers for textbooks, instructional materials, or programs written or produced during working hours.

(b) No Board member, employee, or volunteer, will be permitted to use--for commercial purposes--any photographs or information--including test scores and other confidential data--gained through his or her position unless prior approval is provided in writing from the Superintendent of Schools.

(c) No Board member, employee, or volunteer will be permitted to compile lists of students' and/or parents' names, addresses, phone numbers, or related information available through his or her position for any other person or commercial enterprise unless the

compilation of such data has been approved in writing by the individual's supervisor and serves a valid educational purpose and only as permitted by the provisions of the Annotated Code of Maryland, State Government Article, 10-611 et seq.

The inquiry before the Panel is whether the Petitioner may engage in outside employment when such employment does not utilize BCPS' resources or materials and does not involve a company that does business with BCPS. Upon review of this inquiry, it is the conclusion of the Panel that this outside employment does not violate the Ethics Code, regarding conflicts of interest, as long as all services performed are completed on Petitioner's personal time, and not while being compensated by BCPS.

It is the opinion of the Panel that the Petitioner may engage in the services set forth in the Application To Provide An Advisory Opinion consistent with this Advisory Opinion.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on May 19, 2005.

Meryl D. Burgin, Esq., Chair
Raymond A. Hein, Esq., Vice Chair
Donald A. Gabriel, Ph.D., Panel Member

Karen Strand, RN, Panel Member
Roland Unger, CPA