

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: May 4, 2007
RE: Advisory Opinion 07-02

At its April 19, 2007, meeting, the Ethics Review Panel adopted Advisory Opinion 07-02 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 the *Superintendent's Bulletin* and 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 07-02

This Advisory Opinion 07-02 is in response to a request made by Petitioner, an employee of Baltimore County Public Schools, inquiring as to whether it is permissible for her to offer weight loss program workshops to fellow employees within the facility in which she

is employed by BCPS. The Petitioner would be paid by the weight loss program to conduct these classes.

The relevant sections of the Ethics Code are as follows:

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.*

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

The matter before the Ethics Panel is whether an employee may conduct non-school related activities for compensation after school hours.

The Ethics Panel has concluded that the employee may not conduct classes for fellow employees using BCPS facilities. Ethics Code Section 8363 states that a BCPS employee engaged in outside employment may not benefit from business with the school system.

The employee would be using BCPS facilities to conduct the weight loss program classes. This facility coincidentally happens to be the BCPS facility where the Petitioner is employed. Furthermore, the prospective attendees of the weight loss program classes coincidentally are fellow BCPS employees of the Petitioner.

The weight loss program would need to execute a use of facilities agreement with BCPS. The Petitioner would be paid by the weight loss program, who would be conducting business with BCPS. Ethics Code Section 8363 prohibits this activity, where an employee engaged in outside employment benefits from business with the school system. Therefore, the Ethics Panel has concluded that this is a prohibited activity under Section 8363.

This opinion has been signed by the Ethics Panel members and adopted on April 19, 2007.

Roland L. Unger, CPA, Chair

Mary C. Burke, LCSW-C, BCD, Vice Chair

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