

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 12-06

This Advisory Opinion 12-06 is in response to a request made by petitioner, an employee of the Baltimore County Public Schools ("BCPS"), who requested clarification of the Ethics Code as it applies to using their website for free to run a fundraiser. The website is under development to become a site for schools to use for fund raisers based on student surveys. Students would pay for the results.

The relevant sections of the Ethics Code are as follows:

*ETHICS CODE: Definitions and Conflict of Interest*

*Policy 8360 Applicability and Definitions*

*I. Applicability*

*A. The Ethics Code of the Board of Education of Baltimore County (Board) applies to members of the Board, the Superintendent, employees, consultants of the Baltimore County Public Schools, and the Board's volunteer appointees to its panels and councils (hereinafter, "School System Official").*

*II. Definitions*

*F. **Employee** - means an individual whose compensation is paid in whole or part by the Board and/or is a student teacher for the school system.*

*POLICY 8363 Conflict of Interest – Prohibited Conduct*

*VI. Prestige of Office*

*A. A school system official may not intentionally use the prestige of office or public position for private gain of that official or the private gain of another. This section does not prohibit the performance of usual and customary constituent services by a member of the Board without additional compensation.*

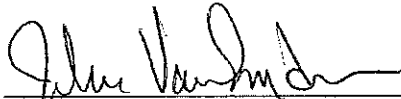
*X. Royalties/Personal Gain*

*A. No royalties will be paid to a school system official for textbooks, instructional materials, or programs written or produced during working hours.*

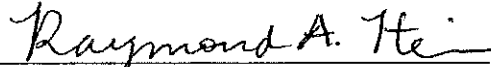
- B. *No school system official will be permitted to use, for commercial purposes, any photographs or information including, but not limited to, test scores and other confidential data.*
- C. *No school system employee will be permitted to compile lists of student and/or parent names, addresses, phone numbers, or related information available through his or her position for any other person or commercial enterprise.*

Based on the application and further information received, the Ethics Review Panel determined that the petitioner's proposal violates Policy 8363 VI. A. based on the potential for private gain to the petitioner arising from publicity his website may receive as a result of the use he proposes, even though such use may not provide a direct financial benefit. The proposal also violates Policy 8363 X. C. due to the necessity of compiling lists of student names in order to have students participate in the proposed fundraising survey.

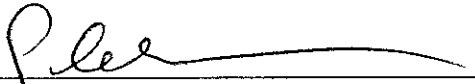
This opinion has been signed by the Ethics Review Panel members and adopted on November 15, 2012.



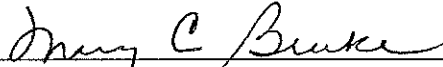
John Van Emden, Chair



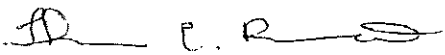
Raymond A. Hein, Esq., Vice Chair



Philip Abraham, Esq.



Mary C. Burke, LCSW-C, BCD, Panel Member



Theresa E. Barrett, Panel Member