

**MURFREESBORO CITY SCHOOL BOARD POLICY**

<b>Descriptor Term:</b>  <b>CODE OF ETHICS</b>	<b>Descriptor No:</b>  <b>BO 40</b>	<b>Date Adopted:</b>  <b>12/08</b>
	<b>Reviewed/Revision Adopted:</b>  <i>3/11</i>	

1    I.        DEFINITIONS

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3        A. “School district” means Murfreesboro City Schools, which includes all boards,  
4        committees, commissions or authorities appointed or created by the school district or an  
5        official of the school district.

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7        B. “Officials and employees” means and includes any official, whether elected or appointed,  
8        officer, employee or servant, or any member of any board, agency, commission, or  
9        authority (whether compensated or not), or any officer, employee or servant thereof, of  
10       the school district.

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12       C. “Personal interest” means, for the purpose of disclosure of personal interests in  
13       accordance with this Code of Ethics, a financial interest of the official or employee, or a  
14       financial interest of the official's or employee's spouse or child living in the same  
15       household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon  
16       in an official capacity. A financial interest which benefits or which may benefit the  
17       official or employee or their family members, by one thousand dollars (\$1000.00) a year  
18       or more is a “personal interest” requiring disclosure under these standards.

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20    II.       DISCLOSURE OF PERSONAL INTEREST IN VOTING MATTERS.

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22    An official or employee with the responsibility to vote on a measure shall disclose during the  
23    meeting at which the vote takes place, before the vote and to be included in the minutes, any  
24    personal interest that affects or that would lead a reasonable person to infer that it affects the  
25    official's or employee's vote on the measure. In addition, the official or employee may, to the  
26    extent allowed by law, recuse himself or herself from voting on the measure.

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28    III.      DISCLOSURE OF PERSONAL INTEREST IN NON-VOTING MATTERS.

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30    An official or employee who must exercise discretion relative to any matter other than casting a  
31    vote and who has a personal interest in the matter that affects or that would lead a reasonable  
32    person to infer that it affects the exercise of the discretion shall disclose, before the exercise of  
33    the discretion when possible, the interest on the attached disclosure form and file the disclosure  
34    form with the MCS Human Resources Director. In addition, the official or employee may, to the  
35    extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

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IV. ACCEPTANCE OF GIFTS AND OTHER THINGS OF VALUE.

- A. Officials and employees of Murfreesboro City Schools have the responsibility of maintaining the public trust by performing their duties with honor and integrity.
- B. Officials and employees shall not solicit any gift, rebate, favor, gratuity, money, present, fee or any promise, obligation or contract for future rewards or compensation where there is any connection between the solicitation and the employee or representative's connection with the Murfreesboro City Schools which could reasonably be interpreted by the public as being a gift, rebate, favor, gratuity, money, present, fee or any promise of future rewards or compensation capable of influencing the employee or representative's judgment in the person's discharge of duties as an employee or representative of Murfreesboro City Schools.
- C. Officials and employees shall not accept any gift of money in any amount, or any gift, rebate, favor, gratuity, or present of such value or under such circumstances as to suggest to reasonable persons it constitutes a "kickback" or quid pro quo for favorable treatment. Nothing stated above shall prevent an employee from accepting a gift of modest value such as a ball cap, a meal, a Christmas flower, box of candy, baby gift, wedding gift, or other special occasion gift of modest value where similar gifts are given in the ordinary course of business in the private sector. Acceptance of any other type of gift estimated to be over \$100 in value must be reported to the MCS Human Resources Director.
- D. This policy shall not apply to legitimate campaign contributions which are properly reported in accordance with the State of Tennessee election laws, when the Murfreesboro City Schools system official or employee is a candidate for public office.
- E. It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of school board officials or by an umbrella or affiliate organization of such statewide association of school board officials.

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88 MURFREESBORO CITY SCHOOLS CODE OF ETHICS  
89 CONFLICT OF INTEREST DISCLOSURE STATEMENT  
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91 Instructions: This form is for reporting personal interests required to be disclosed under Section  
92 III of the Code of Ethics of this Murfreesboro City Schools. Officials and employees are required  
93 to disclose personal interests in matters that affect or would lead a reasonable person to infer that  
94 it would affect the exercise of discretion of an official or employee.  
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96 1. Date of disclosure: \_\_\_\_\_  
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98 2. Name of official or employee: \_\_\_\_\_  
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100 3. Office and position: \_\_\_\_\_  
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102 4. Description of personal interest (describe below in detail):  
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122 Signature of Official or Employee  
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126 \_\_\_\_\_  
127 Witness Signature  
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130 Printed Name of Witness  
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138 Appendix - Applicable State Laws

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140 In addition to the ethical principles set out in this Code of Ethics, state laws also provide a  
141 framework for the ethical behavior of elected officials and employees in the performance of their  
142 duties. Officials and employees should familiarize themselves with the state laws applicable to  
143 their office or position and the performance of their duties. To the extent that an issue is  
144 addressed by state law (law of general application, public law of local application, local option  
145 law, or private act), the provisions of that state law, to the extent they are more restrictive, shall  
146 control. Following is a brief summary of selected state laws concerning ethics in local  
147 government. This summary is not intended to be an exhaustive listing of all existing applicable  
148 State laws. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.)  
149 sections indicated.

150

151 Campaign finance-T.C.A. Title 2, Chapter 10. Part One (campaign financial disclosure) requires  
152 candidates for public office to disclose contributions and contributors to their campaigns. Part  
153 Three (campaign contribution limits) limits the total amount of campaign contributions a  
154 candidate may receive from an individual and sets limits on the amount a candidate may receive  
155 in cash.

156

157 Conflict of interest-T.C.A. § 12-4-101 is the general conflict of interest statute that applies in all  
158 cities. It prohibits anyone who votes for, lets out, or in any manner supervises any work or  
159 contract from having a direct financial interest in that contract, purchase or work, and it requires  
160 disclosure of indirect financial interests by public acknowledgment.

161

162 Conflict of interest-T.C.A. § 49-6-2003 applies to the department of education in all counties and  
163 prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

164

165 Conflict of Interest - T.C.A. § 6-54-107 - 108 applies in cities and prohibits any official from  
166 having a direct interest in a contract and requires all indirect interests in contracts to be publicly  
167 disclosed prior to a vote.

168

169 Conflict of interest-T.C.A. §§ 5-5-102 and 12-4-101 govern disclosures and abstentions from  
170 voting due to conflicts of interest of members of county legislative bodies.

171

172 Conflict of interest disclosure statements-T.C.A. § 8-50-501 and the following sections require  
173 candidates and appointees to local public offices to file a disclosure statement with the state  
174 ethics commission listing major sources of income, investments, lobbying activities, professional  
175 services provided, bankruptcies, certain loans, and other information, and to keep these  
176 statements up to date.

177

178 Honoraria-T.C.A. § 2-10-116 prohibits elected officials from accepting an honorarium (including  
179 money or anything of value, but not including reimbursement for actual expenses) for an  
180 appearance, speech, or article in their official capacity.

181

182 Fee statutes-T.C.A. §§ 8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are  
183 authorized, prohibit officials from requiring payment of fees in advance of performance of  
184 services except where specifically authorized, and set penalties for charging excessive or  
185 unauthorized fees.

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187

188 Consulting fee prohibition for elected county officials-T.C.A. §§ 2-10-122 and 2-10-124 prohibit  
189 officials from receiving compensation for advising or assisting a person or entity in influencing  
190 county legislative or administrative action.

191  
192 Crimes involving public officials-T.C.A. § 39-16-101 and the following sections prohibit  
193 bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

194  
195 Official misconduct-T.C.A. § 39-16-402 applies to public servants and candidates for office and  
196 prohibits unauthorized exercise of official power, acting in an official capacity exceeding the  
197 servant's power, refusal to perform a duty imposed by law, violating a law relating to the  
198 servant's office or employment, and receiving a benefit not provided by law.

199  
200 Official oppression-T.C.A. § 39-16-403 prohibits abuse of power by a public servant.

201  
202 Bribery for votes-T.C.A. §§ 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in  
203 elections.

204  
205 Misuse of official information-T.C.A. § 39-16-404 prohibits a public servant from attaining a  
206 benefit or aiding another person in attaining a benefit from information which was obtained in an  
207 official capacity and is not available to the public.

208  
209 Ouster law-T.C.A. § 8-47-101 sets out conduct that is punishable by ouster from office,  
210 including misconduct in office and neglect of duty.

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