

SERVICES and OPERATIONS

Section 6 Conflicts of Interest

A. Use of Public Resources by Board Members and Employees

Restrictions on Use

No Board member or employee of ESU #13 shall use or authorize the use of his or her public office or any confidential information received through the holding of the public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

No Board member or employee shall use or authorize the use of ESU #13 personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.

No Board member or employee shall use or authorize the use of ESU #13 resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. For purposes of this restriction, "ESU #13 resources" means personnel, property, resources, or funds under the official care and control of the Board member or employee.

Authorized Uses

The uses described below are not authorized by employees, and violate this policy, where an employee's use: (1) interferes with the conduct of ESU #13 business; (2) interferes with the performance of the employee's duties and responsibilities; (3) is contrary to another Board policy or a rule or directive set forth in an employee handbook or other employee communication device; (4) is contrary to a supervisor's directive; or (5) the use is for the employee's personal financial gain or potential for personal financial gain.

Incidental or De Minimis Use: Use of ESU #13 resources by a Board member or employee which is incidental or de minimis does not constitute a violation of this policy. For purposes of illustration, the following instances may be examples of incidental or de minimis use, subject to the context in which the resources are used:

- Limited communications with family members or other non-school employees for personal purposes, such as e-mails or text messages with a spouse using district hardware, software, internet, accounts, or other public resources so long as this communication does not distract from or interfere with employees performing their official duties, as determined by the employee's supervisor;
- Traveling to or from the employee's home when the primary purpose serves the interests of the district. If an employee is unsure whether the primary purpose

serves the interests of the district, the employee should obtain the approval of his or her supervisor, who is authorized to make that determination under this policy;

- Making a limited number of copies of personal documents when the employee cannot make alternative arrangements;
- Using personal social media accounts or accessing appropriate websites which are consistent with the ESU's digital citizenship curriculum while off duty;
- Using district-owned computer programs, such as Word, Excel, Adobe, and others for personal purposes while off duty;
- Other uses by employees authorized by the administrator or designee. The Board intends to allow the administrator to authorize such uses on a case-by-case basis that the administrator deems appropriate; and

In all circumstances, it is the employee's responsibility to seek clarification of this policy before using ESU #13 resources. In the event that an employee is unsure about a particular situation, the employee must secure approval from the ESU #13 administrator before using the resource at issue.

Personal Use as Part of Compensation: Use of ESU #13 resources for personal purposes is authorized by this policy if:

1. the use of the resource for personal purposes is part of the employee's compensation provided in an employment contract or is consistent with this policy; and
2. the personal use of the resource as compensation is reported in accordance with the Internal Revenue Code of 1986, as amended, and taxes, if any, are paid by the affected employee.

Employees who engage in such personal use shall, upon request of the Board or the administration, provide evidence to establish that the compensation has been reported and taxes paid as required by the Tax Code.

ESU #13 Vehicles: Use of an ESU #13 vehicle by a Board member or employee to travel to a designated location or the home of the Board member or employee is permissible when the primary purpose of the travel serves a Unit purpose. Such use is authorized by this policy. No travel other than directly to the ESU #13-related trip destination shall occur, however, when students are in the vehicle or if the vehicle is a school bus.

Communication Devices: A Board member or employee may use a telecommunication system, a cellular telephone, an electronic handheld device, or a computer under the control of ESU #13 for email, text messaging, a local call, or a long-distance call, to a child at home, a teacher, a doctor, a day care center, a baby-sitter, a family member, or any other person to inform any such person of an unexpected schedule change or for other essential personal business. Any such communication shall be kept to a minimum and shall not interfere with the conduct of ESU #13 business or the performance of an employee's duties.

A Board member or employee shall be responsible for payment or reimbursement of charges (e.g., long distance charges), if any, that directly results from any such communication. The Board member or employee shall promptly report any such communication that results in an expense to ESU #13 to the administrator or the administrator's designee. The administrator or the administrator's designee shall establish procedures for reimbursement of charges incurred as a result of such communications.

Use of the District's Internet system for such communications shall not be permitted to the extent such use violates the terms of the E-Rate program, which restricts use of the Internet system to "educational purposes."

Election Issues: A Board member or the administrator, in the normal course of his or her duties, may use ESU #13 resources to research and prepare materials to assist the Board in determining the effect of a ballot question on ESU #13.

Mass mailings, mass duplication, or other mass communications at ESU #13 expense for the purpose of qualifying, supporting, or opposing a ballot question is not permitted. Mass communications does not include placing public records demonstrating the consequences of the passage or defeat of a ballot question affecting ESU #13 on its existing websites.

A Board member or employee may campaign for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no ESU #13 resources are used. An employee shall not engage in campaign activity for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate while on duty time.

A Board member or authorized employee may make ESU facilities available for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is not a factor in making the facilities available or a factor in determining the cost or conditions of use.

The ESU #13 Board may discuss and vote upon a resolution supporting or opposing a ballot question.

A Board member may respond to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or provide information in response to a request for information.

A Board member or employee may identify himself or herself by his or her official title when communicating about a ballot question. Employees who do so shall clearly communicate that their communication is their personal opinion and does not reflect the position or views of the Board or ESU #13 unless express authorization is given by the Board or the administrator.

Legal Reference:	Neb. Rev. Stat. §§49-14,101.01 and 49-14,101.02
Date of Adoption:	December 17, 2019
Updated:	

B. Interest in Contracts

Any contract whether oral or written, formal or informal, and including open accounts, is voidable if a member of the Board is directly or indirectly interested in the contract and legal reporting, and disclosure and abstention requirements are not met. Board members with such an interest shall therefore:

1. Make a declaration on the record regarding the nature of the interest prior to official consideration of the contract.
2. Not participate in consideration or discussion of the contract.
3. Not vote on the granting of the contract. Provided, if the number of members of the Board declaring an interest in the contract would prevent the Board with all members present from securing a quorum in the issue, then all members may vote on the matter.
4. Not in any way participate in the inspection, operation, administration or performance under the contract on the part of ESU #13.

Legal Reference:	Nebraska Statutes: 49-14,103.01
Date of Adoption:	December 17, 2019
Updated:	

C. Other Conflict of Interest

Members of the Board shall abstain from voting on matters on which they may have a conflict of interest. A conflict of interest for this purpose means a decision in the discharge of duties that may cause financial benefit or detriment to the Board member, a member of the Board member's immediate family (which means a child residing in the Board member's household, a Board member's spouse or an individual claimed by that Board member or the Board member's spouse as a dependent for federal income tax purposes), or a business with which the Board member is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public.

The Board member with such a conflict of interest shall take the following actions as soon as the Board member is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:

1. Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict; and,
2. Deliver a copy of the statement to the Secretary of the Board, who shall enter the statement into the public records of ESU #13.
3. Take such action as the Commission shall advise or prescribe to remove the Board member from influence over the action or decision in the matter.

A Board member shall nonetheless not be prevented from making or participating in the making of an ESU #13-related decision to the extent that the Board member's participation is legally required for the action or decision to be made. In such event, the Board member shall report the occurrence to the Commission. Nor shall a conflict of interest of a Board member prevent a Board member from serving on the Board or restrict the hiring or purchasing practices of ESU #13.

To assist in compliance with the conflict of interest policies and laws, the administrator or the administrator's designee, shall provide each Board member with copies of state statutes of Nebraska pertaining to conflicts of interest at the organizational meeting in January of each year. In addition, any newly appointed or elected Board member shall be provided such statutes.

Further, when possible, the administrator or the administrator's designee shall provide each Board member with a list of financial matters on the agenda to come before the Board at the next regular meeting in sufficient detail to allow the Board member to identify potential conflicts of interest and report and receive advice from the Commission.

Legal Reference:	Nebraska Statute: 49-1425; 49-1499; 49-14,101; 49-14,102; 49-14,103; 49-103.01; 49-14,103.02; 49-14,103.03; 49-14,103.04; 49-14,103.05; 49-14,103.06
Date of Adoption:	December 17, 2019

D. Reporting Procedures

Any Board member who has a direct or indirect interest in a formal contract entered into with ESU #13, or an open account, shall provide the administrator with the following:

1. Names of the contracting parties
2. Nature of the interest of the Board member
3. Date that the contract was approved by the Board
4. Amount of the contract
5. Basic terms of the contract

The above information shall be provided to the administrator no later than ten (10) days after the contract has been signed by both parties. Such information shall be kept on a ledger, and shall be retained in the ledger for five (5) years from the date of the last day in office of the Board member. The ledger kept by the administrator shall be available for public inspection during the normal working hours.

In the case of open accounts, the above information shall be filed within ten (10) days after the account is opened and thereafter the Board member shall file a revision to the statement within ten (10) days of each payment on the account specifying the date and amount of the payment.

Legal Reference:	Nebraska Statutes: 49-14,103.02
Date of Adoption:	December 17, 2019