


HOWARD GARDNER MULTIPLE INTELLIGENCE CHARTER SCHOOL

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|  | Administration/Board | AB17-0801 |
| | Conflict of Interest | ADOPTED DATE: August 15, 2017 REVISED DATE: April 16, 2024 |

1. Purpose

2 C.F.R. §200.18(c)(1)

This policy shall affirm standards of conduct established to ensure that Board members and employees avoid potential and actual conflicts of interest, as well as the perception of a conflict of interest.

Standards of Conduct

In accordance with 2 C.F.R. §200.18(c)(1), HGMICS maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of HGMICS may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value.

2. Definitions

65 Pa. C.S.A. Sec. 1101 et seq

Confidential information shall mean information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.

Conflict or Conflict of interest shall mean use by a Board member or HGMICS employee of the authority of his/her office or employment, or any confidential information received through his/her holding public office or employment, for the private pecuniary benefit of him/herself, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated. The term does not include an action having a de minimis economic impact, or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the Board member or HGMICS employee, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated.

65 Pa. C.S.A. Sec. 1101 et seq

De minimis economic impact shall mean an economic consequence which has an insignificant effect.

65 Pa. C.S.A. Sec. 1101 et seq

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Financial interest shall mean any financial interest in a legal entity engaged in business for profit which comprises more than five percent (5%) of the equity of the business or more than five percent (5%) of the assets of the economic interest in indebtedness.

65 Pa. C.S.A. Sec. 1101 et seq

Honorarium shall mean payment made in recognition of published works, appearances, speeches and presentations, and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de minimis economic impact.

Immediate family shall mean a parent, parent-in-law, spouse, child, spouse of a child, brother, brother-in-law, sister, sister-in-law, or the domestic partner of a parent, child, brother or sister.

65 Pa. C.S.A. Sec. 1101 et seq

Business partner shall mean a person who, along with another person, plays a significant role in owning, managing, or creating a company in which both individuals have a financial interest in the company.

Each HGMICS employee and Board member shall be responsible to maintain standards of conduct that avoid conflicts of interest. The Board prohibits members of the Board and Intermediate Unit employees from engaging in conduct that constitutes a conflict of interest as outlined in this policy.

3. Delegation of Responsibility

All Board members and employees shall be provided with a copy of this policy and acknowledge in writing that they have been made aware of it. Additional training shall be provided to designated individuals.

4. Guidelines

Disclosure of Financial Interests

No Board member shall be allowed to take the oath of office or enter or continue upon his/her duties, nor shall he/she receive compensation from public funds, unless s/he has filed a statement of financial interests as required law.

The HGMICS solicitor and designated HGMICS employees shall file a statement of financial interests as required by law and regulations.

65 Pa. C.S.A Sec. 1104 Title 51 Sec. 15.2

Standards of Conduct

The HGMICS maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees and Board members engaged in the selection, award and administration of contracts.

2 CFR Sec. 200.318

No employee or Board member may participate in the selection, award or administration of a contract supported by a federal award if s/he has a real or apparent conflict of interest as defined above, as well as any other circumstance in which the employee, Board member, any member of his/her immediate family, his/her business partner, or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

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2 CFR Sec. 200.318

The HGMICS shall not enter into any contract with a Board member or employee, or his/her spouse or child, or any business in which the person or his/her spouse or child is associated valued at \$500 or more, nor in which the person or spouse or child or business with which associated is a subcontractor.

65 Pa. C.S.A. Sec. 1101 et seq

Any Board member or employee who in the discharge of his/her official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his/her interest as a public record.

No public official or public employee shall accept an honorarium

65 Pa. C.S.A. Sec. 1101 et seq 2 CFR Sec. 200.318

Board members and employees may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Gifts of a nominal value may be accepted in accordance with Board policy.

65 Pa. C.S.A. Sec. 1101 et seq

Improper Influence

No person shall offer or give to a Board member, employee or nominee or candidate for the Board, or a member of his/her immediate family or a business with which s/he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror's or donor's understanding that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.

65 Pa. C.S.A. Sec.1101 et seq

No Board member, employee or nominee or candidate for the Board shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that Board member, employee or nominee or candidate that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Board would be influenced thereby.

2 CFR Sec. 200.318

Organizational Conflicts

Organizational conflicts of interest may exist when due to HGMICS's relationship with a subsidiary, affiliated or parent organization that is a candidate for award of a contract in connection with federally funded activities, HGMICS may be unable or appear to be unable to be impartial in conducting a procurement action involving a related organization. In the event of a potential organizational conflict, the potential conflict shall be reviewed by the Building Administrator or designee to determine whether it is likely that HGMICS would be unable or appear to be unable to be impartial in making the award.

If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:

1. The organizational relationship shall be disclosed as part of any notices to potential contractors;

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2. Any employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;
3. A competitive bid, quote or other basis of valuation is considered; and
4. The Board has determined that contracting with the related organization is in the best interests of the program involved.

Reporting

Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the Building Administrator. If the Building Administrator is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Board President. Any perceived conflict of interest of a Board member that is detected or suspected by any employee or third party shall be reported to the Board President. If the Board President is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Building Administrator, who shall report the incident to the solicitor. No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest. The Superintendent or designee shall report in writing to the federal awarding agency or pass-through entity any potential conflict of interest related to a federal award, in accordance with federal awarding agency policy. Mandatory Disclosure must also be included.

Investigation

Investigations based on reports of perceived violations of this policy shall comply with state and federal laws and regulations. No person sharing in the potential conflict of interest being investigated shall be involved in conducting the investigation or reviewing its results. In the event an investigation determines that a violation of this policy has occurred, the violation shall be reported to the federal awarding agency in accordance with that agency's policies.

Disciplinary Actions

If an investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the HGMICS shall take prompt, corrective action to ensure that such conduct ceases and will not recur. HGMICS staff shall document the corrective action taken and, when not prohibited by law, inform the complainant. Violations of this policy may result in disciplinary action up to and including discharge, fines and possible imprisonment. Disciplinary actions shall be consistent with Board policies, procedures, applicable collective bargaining agreements and state and federal laws.

References:

State Ethics Commission Regulations – 51 PA Code Sec. 15.2
Public Official and Employee Ethics Act – 65 Pa. C.S.A. Sec. 1101 et seq.