Administrative Regulation

CONFLICT OF INTEREST – GIFTS AND GRATUITIES

A. It is impossible to reduce to writing every possible situation which might arise under this policy, but the intent of the Board is clear, and all Board members and employees are expected to exercise prudence and discretion.

B. True gifts are freely given, without expectation of reward. Any gift which comes "with strings attached," or which by its acceptance would create a reciprocal obligation should automatically trigger a special caution on the part of a public official.

C. There should be a presumption of innocence on the part of the would-be giver, and offers of unacceptable gifts should be politely and tactfully declined. Under certain circumstances, it may be appropriate to explain that, while the gift cannot be accepted as a personal gift, it may be proper to offer the gift to the Board of Education as a gift to the school district. Such gifts come under policy 9200.00.

D. A question may arise regarding what is "nominal hospitality or gifts of token value". No absolute definition can be stated. It suffices to say that if the proffered hospitality or the gift is such that it raises the question, it is probably not acceptable.

E. One rule of thumb which has been applied in industry is, "If it cannot be consumed (eaten or drunk) by the recipient in one day, it is unacceptable."

F. Some examples are given below of common situations, by way of illustration rather than absolute definition.

1. A vendor offers a personal gift to a school official as an inducement for the school district to purchase that vendor's product.

    a. Such a gift is not acceptable as a personal gift.

    b. It may be acceptable as a gift to the school district.

c. However, the need for and value of the gift to the school district needs to be taken into consideration in the over-all context of the transaction. If the value and worth of the gift is sufficient to make the total deal the best offer to the school district, then it may be acceptable. However, even here, caution needs to be exercised that by accepting the gift an unfair competitive advantage is not given to one vendor at the expense of another.

2. A vendor offers a “school price” or other discount on merchandise for personal use as an inducement for the school district to purchase the vendor's product. This is really only a more subtle version of the example given above, and is equally unacceptable. See policy 3872.00.

3. A vendor offers a “free sample” or an “extended loan” of merchandise for personal trial, with the explicit or implied understanding that it need not be returned. This is only another subtle variation on the same theme. It is also unacceptable.

ADMINISTRATIVE REGULATION

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