

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ABA-RB, AFA-RA, BBB, CNA-RA, DJA-RA, GAA, GGA-RA, IGK-RB, IGT-RA, KGA-RA

Responsible Office: Chief of Human Resources and Development
Chief Academic Officer
Chief of School Support and Improvement

Employee Conflict of Interest

I. PURPOSE

Montgomery County Public Schools (MCPS) is committed to the highest standards of ethical conduct and professionalism. This regulation sets forth expectations in addition to those specifically addressed in Maryland ethics law and Montgomery County Board of Education Policy BBB, *Ethics*, and clarifies guidelines for MCPS employees to avoid conflicts of interest in their conduct and action to be taken in the event of a potential conflict of interest.

II. BACKGROUND

- A. All employees are expected to interact with all students, parents/guardians, colleagues at all levels, and the community with the utmost integrity and professionalism.
- B. MCPS employees are expected to be knowledgeable about and conduct themselves in accordance with this regulation and Board Policy BBB, *Ethics*, and to assume responsibility for ensuring that their behavior and activities are consistent with the policies of the Board and do not constitute a conflict of interest, in order to—
 - 1. promote the highest public confidence in the impartiality and independent judgment of MCPS employees in the discharge of their duties; and
 - 2. appropriately use MCPS resources to execute their duties for the public good.

- C. It is a conflict of interest for an employee to—
1. take advantage of relationships with students, parents/guardians, employees, or others doing business with the school system for personal benefit or to benefit another individual or entity,
 2. use their position, MCPS resources, and/or confidential or proprietary information acquired in their official school system position for personal benefit or to benefit another individual or entity, or
 3. give false or misleading information in connection with any audit, study, or investigation.
- D. Employees are encouraged to disclose potential conflicts of interest in advance or seek prior guidance regarding conduct about which there may be potential concerns. Any MCPS employee or candidate for MCPS employment may request an advisory opinion from the Board of Education Ethics Panel, as set forth in Policy BBB, *Ethics*.
- E. Not all conflicts of interest are expressly referenced in this regulation. For instances not specifically covered by this regulation, or if there is a question of interpretation, a request for guidance should be made to—
1. the employee's principal or supervisor, as applicable; then
 2. to the chief of the Office of Human Resources and Development (OHRD)/designee if principals or supervisors have further questions, or to the ethics officer according to the processes set forth in Policy BBB, *Ethics*, if the issue in question is covered by Board Policy BBB.

III. DEFINITIONS

- A. *Supervisory chain* means employees for whom one has responsibility for directing or overseeing the daily activities, and/or for evaluating an employee or conducting observations that would lead to an evaluation. The supervisory chain of a district leader includes employees who report to them and those they supervise.
- B. *MCPS resources* are items purchased with public funds and owned and/or operated by MCPS, including, but not limited to facilities, including schools; vehicles; equipment; supplies; and intellectual property, including curricula and/or other proprietary or confidential information.

IV. GUIDELINES FOR AVOIDING CONFLICT OF INTEREST

A. Expectations for Supervisors

1. Employees in Supervisory or Leadership Roles

- a) MCPS employees in supervisory or leadership positions may not supervise within their supervisory chain a spouse, relative,¹ in-law, or any employee with whom they have a sexual and/or romantic relationship, or have had a sexual and/or romantic relationship within the past 10 years.
- b) An MCPS employee may not supervise within their supervisory chain a vendor or contractor who is a spouse, relative, in-law, or anyone with whom they have a sexual and/or romantic relationship.
- c) Supervisors may not engage in a financial relationship with employees within their supervisory chain for the private benefit or gain of the supervisor or the supervisor's spouse, relative, in-law, or anyone with whom they have a sexual and/or romantic relationship.
- d) Required notification:
 - i) MCPS supervisors, administrators, or designated leaders must notify their direct supervisor, who in turn must notify the chief of OHRD/designee if a situation arises by which they would be in a position of supervising a spouse, relative, in-law, or someone with whom they have, or have had, in the past 10 years, a sexual and/or romantic relationship.
 - ii) Action will then be taken by the appropriate executive staff member to ensure that supervisory responsibilities for the employee are reassigned to another supervisor, or one of the employees may be reassigned as the needs of the school or office require.
 - iii) MCPS employees selected as candidates for supervisory or leadership positions must notify the chief of OHRD/designee if they would be in a position of supervising someone with whom they have, or have had, in the past 10 years, a sexual and/or romantic relationship. Such disclosure

¹ "Relative" includes a domestic partner or child.

does not necessarily disqualify the candidate from being selected for the position, if reasonable actions can and are taken, as set forth above in IV.A.1.d.ii.

- B. Children of Employees in School**
1. A child should attend a school where a parent or relative is employed only if the child's bona fide residence is within the school boundaries, the child has an approved Change of School Assignment (COSA), or nonresidency attendance has been approved and tuition has been paid or waived. Approval of such requests will move forward only if other options do not exist and it is determined by the supervisor that no conflict of interest exists.
 2. Whenever possible, decision making or professional input about the child will be deferred to the supervisor of the employee in order to avoid any actual or perceived conflict between the employee's relationship to the child and the employee's job responsibilities.
 3. The child should not be assigned to the parent's/guardian's or relative's classroom unless no other options exist. If no other options exist, a plan for the child will be developed with the employee, his or her supervisor, and a school administrator.
- C. Use of Persons, Money, Property, or other MCPS Resources for Personal Benefit or Gain**
1. MCPS employees shall not use any person, money, property, or other MCPS resources under their official control or direction, or in their official custody, for personal benefit or gain, or the personal benefit or gain of another individual or entity, except employees may make occasional or limited use of MCPS equipment or facilities for their personal benefit if—
 - a) the cost of the use to MCPS is negligible,
 - b) the use does not interfere with the employee's official duties or with another employee's performance of official duties, and
 - c) the use does not conflict with any other Board policy or MCPS regulation.
 2. Absent prior agreement by the chief of the Office of District Operations /designee, MCPS vehicles should be used while on MCPS business only. Other MCPS equipment that may be used for MCPS business only include

machine tools, cleaning and painting equipment, and any other items that would wear out with use.

D. Employment

1. Outside Employment/Employment Outside the Duty Day

- a) General - It is recognized that certain time requirements in addition to the normal work day may be made on all professional personnel to fulfill job responsibilities. These requirements take priority at all times.

Outside employment that occurs during hours not required to fulfill MCPS responsibilities and does not violate this regulation or Board Policy BBB, Ethics, may not constitute a conflict of interest.

- b) School-related - MCPS employees shall not accept payment from an organization other than the Board to conduct school-related activities, for which parents must pay a fee, for students who attend, or can reasonably be expected to attend, the employee's assigned school(s), unless paid at the same rate as that applicable to stipends. This includes, but is not limited to, drama, dance, or music classes or performances.
- c) Non-school-related - MCPS employees may not engage in the instruction of students who attend, or can be reasonably expected to attend, the school(s) to which the employee is assigned when the activity is not school-related, takes place before or after school at the school(s) to which the employee is assigned, and for which the parents must pay a fee.

Exemptions may be approved by the superintendent/designee on a case-by-case basis consistent with terms of partnership agreements, established between MCPS and outside entities, that support the educational mission of MCPS and provided that staff who engage in such instruction may not be involved in the process by which students are referred to the program.

2. Employment While on Leave

An employee who is on leave from MCPS, in a paid or unpaid status, may not be employed by MCPS in any capacity during the period of leave except with the written authorization of the chief operating officer/designee.

3. Tutoring and Summer Camps

a) Tutoring

Tutoring is additional, special, or remedial instruction that occurs outside the regular school day for payment. (See also MCPS Regulation ABA-RB, *School Visitors*)

- (1) Tutoring must occur outside of the employee's hours of duty.
- (2) An MCPS employee may not tutor students who attend, or can be reasonably expected to attend, a school at which the employee works.
- (3) Exemptions may be approved by the superintendent of schools/designee on a case-by-case basis —
 - (a) during the summer in programs for children with disabilities in which the number of specialized staff members is few, when a written request from parents/guardians for such summer tutoring is approved by the associate superintendent within the Office of School Support and Improvement/designee, the associate superintendent for special education /designee, and the principal, or
 - (b) consistent with terms of partnership agreements, established between MCPS and outside entities, that support the educational mission of MCPS and provided that staff who tutor may not be involved in the process by which students are referred to the program.
- (4) Employees may not receive compensation from a non-MCPS entity or individual to prepare students to take an examination for admission into an MCPS program.
- (5) MCPS employees who wish to provide tutoring services on MCPS property must comply with MCPS Regulation KGA-RA, *Community Use of Public Schools*.

b) Summer Camps and Before- or After-school Activities

- (1) School-sponsored summer camps and before- or after-school activities

Employees must follow the Guidelines for Montgomery County Public Schools Conducting Summer Camps/Programs/Activities and applicable sections of the *MCPS Athletic Handbook* and the *Maryland Public Secondary Schools Athletic Association Handbook*.

- (2) Non-school-sponsored summer camps and before- or after-school activities:

- (a) Employees may not teach at any sports camp or skills-building camp, or before- or after-school activities, students who attend, or can reasonably be expected to attend, the school where that employee teaches, coaches a team in the same sport, or participates in the selection of student members of any competitively selected group.

- (b) Employees must apply through Community Use of Public Facilities for use of a school facility or school grounds.

- (c) Employees may not use school equipment and supplies except to the extent that all community use of public facilities users are allowed to do so.

E. Development of Materials

Supplies, Equipment, or Materials Created by an Employee

1. Procurement by MCPS

Supplies, equipment, or materials created by employees wholly independently from their employment with MCPS; unconnected to their job responsibilities; and without use of MCPS resources, time, or materials; may be purchased by MCPS on the same basis as any other item.

- a) Employee-created supplies, equipment, or materials must be selected and approved for procurement in compliance with Board Policy BBB, *Ethics*, and all other established procedures.

- b) The fact that the item was created by a current or former employee shall not be considered as a factor for or against its selection.
 - 2. In order to avoid conflicts of interest, employees shall recuse themselves from participating in any procurement decision, selection, or other decision-making process from which they or a spouse, relative, in-law, or anyone with whom they have a sexual and/or romantic relationship may personally benefit.
 - 3. Property of MCPS
 - a) Supplies, equipment, or materials created alone by an employee of MCPS, or created in association with other employees, for which time, facilities, materials, or resources of MCPS have been used or which were created as part of the employee's job responsibilities, are the property of MCPS.
 - b) In a situation in which the activity is partially private and partially public, specific arrangements must be approved in advance by the chief of OHRD/designee, regardless of whether royalties are paid.
- F. Uses of Proprietary or Confidential Information
- 1. No employee is permitted to compile lists of student and/or parent/guardian information available through their position, for any other person or commercial enterprise, except as permitted under MCPS Regulation JOA-RA, *Student Records*, and MCPS Regulation AFA-RA, *Research and Other Data Collection Activities in Montgomery County Public Schools*.
 - 2. Employees may not disclose or use proprietary information acquired by reason of their employment with MCPS that is not available to the public. Any exceptions must be approved in advance in writing by the chief of OHRD/designee.

V. VIOLATION

An alleged violation of this regulation is cause for an immediate investigation by the chief of OHRD/designee. If it is determined that an employee has violated this regulation, the employee may be disciplined, including reprimand, suspension, or termination, in accordance with applicable laws, Board policies, MCPS regulations, and the MCPS *Employee Code of Conduct*.

Related Sources:

Annotated Code of Maryland, Maryland Public Ethics Law Article, Subtitle 8; Code of Maryland Regulations, §13A.06.03.04.G; MCPS Employee Code of Conduct; Handbook of the Maryland Public Secondary Schools Athletic Association; Guidelines for Montgomery County Public Schools Conducting Summer Camps/Programs/Activities

Regulation History: Formerly Regulation No. 490–1, December 29, 1978 (directory information updated); revised November 16, 2000; revised April 9, 2002; revised April 17, 2013; revised July 31, 2017; revised August 15, 2024.

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.*

It is the policy of the state of Maryland that all public and publicly funded schools and school programs operate in compliance with:

- (1) Title VI of the federal Civil Rights Act of 1964; and
- (2) Title 26, Subtitle 7 of the Education Article of the Maryland Code, which states that public and publicly funded schools and programs may not
 - (a) discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability;
 - (b) refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; or
 - (c) discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.**

Please note that contact information and federal, state, or local content requirements may change between editions of this document and shall supersede the statements and references contained in this version. Please see the online version for the most up-to-date information at www.montgomeryschoolsmd.org/info/nondiscrimination.

<p>For inquiries or complaints about discrimination against MCPS students***</p> <p>Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org</p>	<p>For inquiries or complaints about discrimination against MCPS staff***</p> <p>Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org</p>
<p>For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973</p> <p>Section 504 Coordinator Office of School Support and Improvement Well-Being and Student Services 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-3109 504@mcpsmd.org</p>	<p>For staff requests for accommodations under the Americans with Disabilities Act</p> <p>ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org</p>
<p>For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff***</p> <p>Title IX Coordinator Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org</p>	

*This notification complies with the federal Elementary and Secondary Education Act, as amended.

**This notification complies with the Code of Maryland Regulations Section 13A.01.07.

***Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mCCR@maryland.gov; Agency Equity Officer, Office of Equity Assurance and Compliance, Office of the Deputy State Superintendent of Operations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201-2595, oeac.msde@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.