

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: July 29, 2005
RE: Advisory Opinion 05-05

At its July 14, 2005, meeting, the Ethics Review Panel adopted Advisory Opinion 05-05 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8366, "any Board member, employee, volunteer, or other person subject to the provisions of the policies of the Ethics Code may request that the Ethics Review Panel issue an advisory opinion concerning the applications of these policies." In an effort to keep individuals abreast of the Panel's interpretations of the Ethics Code policies, please share this information with your staff.

Consistent with the Panel's rules of procedure, you will note the deletion of the petitioner's name and any personally identifiable information in order to ensure anonymity. As subsequent advisory opinions are issued, they will be made available through Outlook.

If you or members of your staff have any questions, please contact Dr. Carol Batoff, Administrative Liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY
ETHICS REVIEW PANEL
ADVISORY OPINION 05-05

This advisory opinion is in response to a request made by Petitioner, an art teacher employed by the Baltimore County Public Schools (BCPS). Petitioner has requested an advisory opinion as to whether her acceptance of funds from the Baltimore City Crabtown Project would violate any provisions of the Ethics Code. The facts, as presented, are as follows: The Petitioner received an e-mail from the BCPS' Art Office which included information on a fund raising project for the Baltimore City Public Schools referred to as the Baltimore City Crabtown Project ("Project"). The Project required the submission of crab sculpture designs to the Mayor's Crab Committee

("Committee") and a sponsor willing to provide \$3,000 to underwrite the cost of the Project. The artists selected were notified by the Committee and responsible for creating the crab sculptures from their selected design. The finished sculptures have been placed on display in highly visible areas around Baltimore City and will be auctioned to raise money for the Baltimore City Public Schools in November 2005. Each artist receives \$1,000 from the sponsor, which includes \$500 for the cost of materials, and will additionally receive ten percent of the auction price of his/her crab sculpture. The literature from the Committee encouraged "collaborations between after-school or in-school programs to involve students in the design and decoration of select crabs".

Petitioner engaged her students to create individual crab designs during BCPS' classroom time, and while the students worked independently, Petitioner created her own design. Petitioner selected 10-20 designs from the class and submitted them, along with her own design, to the Committee. Petitioner was thereafter notified that her design had been selected by the Committee and a sponsor was located to fund the required \$3,000. Petitioner spoke with her administration regarding this Project, arranged for students to assist her during after school hours to create and paint the crab, in exchange for community service hours, and she spent approximately \$500 on materials.

The inquiry before the Panel is whether the Petitioner's acceptance of the \$1,000 from the sponsor and the ten percent of the auction price of the crab sculpture violates any provision of the Ethics Code. Although the Panel did not find any section of the Ethics Code that specifically applies to this factual situation, the Panel expressed concern about the "*appearance of impropriety*" if the Petitioner personally benefits financially from art work designed on BCPS' time in a BCPS classroom, and from the labors of BCPS' students in the creation of the crab sculpture on BCPS' premises, even though the work was completed during after school hours. Clearly, the Petitioner utilized her professional relationship with her students to enable her to successfully complete this project.

The relevant provision of the Ethics Code is section 8361 which states as follows:

ETHICS CODE: General

The Baltimore County Public Schools are committed to promoting and practicing moral principles and values in both the delivery of instruction and the delivery of support services. Consistent with this conviction, the school system's "Precepts, Beliefs, and Values" and local public ethics laws in accordance with the State Ethics Commission, the Ethics Code establishes guidelines of ethical and professional conduct. This Code formally acknowledges the school system's commitment to its institutional responsibility to the students, parents, and the community. It advocates positive behavior and the avoidance of impropriety or the appearance of impropriety.

This Code establishes recommended behavior for all instructional and non-instructional personnel, administrative and supervisory personnel, Board of Education members, consultants, and volunteers (from this point forward referred to as Board members, employees and/or volunteers). All of these individuals shall be subject to this Code, which addresses the school system's commitment that all lead and teach by example and serve as role models for students.

No code can delineate the appropriate ethical behavior for every situation with which the school system's personnel will be confronted. It is important, therefore, that whenever a difficult situation arises which is not directly addressed by this Code, the individual seek counsel from colleagues, administrators, and the Ethics Review Panel as established by the Code. However, many individuals will be called upon to make decisions in which time precludes consultations. In such cases, the individual must rely on his or her good judgment, recalling that the school system's ethical commitment is rooted in fairness, equity, and integrity.

One of the most important elements of this Code is promoting the worth and dignity of all individuals in compliance with the Board of Education's non-discrimination policy. A second key element of this Code is open communication. Business-related transactions in which individuals engage must be correctly documented and reported. Every individual covered by this Code must behave as if public scrutiny of his or her actions would be welcome.

As a result of the Panel's conclusion that there may be an "appearance of impropriety" if the Petitioner personally benefits financially from this Project, the Panel strongly encourages the Petitioner to donate any compensation received to the BCPS or to her school, minus the cost of expenses she personally incurred to complete the Project.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on July 14, 2005.

Meryl D. Burgin, Esq., Chair
Raymond A. Hein, Esq., Vice Chair
Donald A. Gabriel, Ph.D., Panel Member

Karen Strand, RN, Panel Member
Roland Unger, CPA, Panel Member