

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: September 30, 2005
RE: Advisory Opinion 05-06

At its September 22, 2005, meeting, the Ethics Review Panel adopted Advisory Opinion 05-06 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 and the Superintendent's Bulletin.

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 05-06

This advisory opinion is in response to a request made by Petitioner who is employed by the Baltimore County Public Schools (BCPS). Petitioner has requested an advisory opinion as to whether the BCPS may solicit paid advertisements from community and local businesses to help fund the cost of publishing and distributing a newspaper type of publication, approximately five times per school year, to communicate successes of the school system and its students without violating the Ethics Code. Petitioner has additionally inquired as to whether the solicitation of such advertising can, or should, be coordinated by an outside contractor.

The relevant provisions of the Ethics Code are sections 8361 and 8363 (4)(c) which state as follows:

8361-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.

8363 (4)(c)- ETHICS CODE: Conflict of Interest

4. Political Activity

(c) Prohibited Activities

The following activities are specifically prohibited on property under the jurisdiction of the Board, except by guidelines established by the Board and bargaining units:

- posting of political circulars or petitions*

Generally speaking, the soliciting of paid advertising from community businesses to fund a school system community newspaper would not constitute a violation of the Ethics Code nor a conflict of interest. The Panel cautions, however, that the Ethics Code may prohibit political advertisements, depending on any guidelines established by the Board and bargaining units, and would prohibit any advertisements that may result in an appearance of impropriety. Furthermore, the Panel believes that whether the solicitation of such advertising may or should be coordinated by an outside contractor is a school system policy issue and not a question of an Ethics Code violation unless the internal handling of the advertising could create an appearance of impropriety. Additionally, the Panel stated that questions regarding any advertising guidelines and/or policy should be directed to school system personnel.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on September 22, 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