

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

Roland L. Unger, CPA, Chair
Mary C. Burke, LCSW-C, BCD, Vice Chair
Meryl D. Burgin, Esq.
Raymond A. Hein, Esq.
Janel D. Sexton, M.A., Ph.D.

6901 Charles Street
Towson, Maryland 21204-3711
Phone: 410-887-4138
Fax: 410-887-4308

TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: December 7, 2007
RE: Advisory Opinion 07-12

On November 15, 2007, the Ethics Review Panel adopted Advisory Opinion 07-12 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 the *Superintendent's Bulletin* and 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 07-12

This Advisory Opinion 07-12 is in response to a request made by a petitioner, an employee of Baltimore County Public Schools (BCPS), inquiring as to whether it is

permissible to use BCPS electronic media (newsletter, e-mail, Connect-Ed) to collect donations for a charity.

The relevant section(s) of the Ethics Code are as follows:

ETHICS CODE: Conflict of Interest (Section 8363)

5. Royalties/Personal Gain

- (a) *No royalties will be paid to employees or volunteers for textbooks, instructional materials, or programs written or produced during working hours.*
- (b) *No board member, employee, or volunteer, will be permitted to use--for commercial purposes--any photographs or information--including test scores and other confidential data--gained through his or her position unless prior approval is provided in writing from the Superintendent of Schools.*
- (c) *No board member, employee, or volunteer will be permitted to compile lists of students' and/or parents' names, addresses, phone numbers, or related information available through his or her position for any other person or commercial enterprise unless the compilation of such data has been approved in writing by the individual's supervisor and serves a valid educational purpose and only as permitted by the provisions of the Annotated Code of Maryland, State Government Article, [10-611 et seq.*

6. Prohibitions

- (a) *No board member or employee shall:*
 - *represent any party, for a contingent fee, before or involving the Board of Education*
 - *act as a compensated representative of another party in connection with a case, contract, or any specific matter in which he or she participated substantially as a board member or employee, within one (1) year following termination of service to the school system*
 - *use the prestige of office for personal benefit or that of another*
 - *use confidential information acquired in an official school system position for personal benefit or that of another.*
- (b) *An employee may not be in a position that directly supervises, evaluates, or disciplines an immediate family member. An employee*

may not use his or her position to benefit an immediate family member.

The matter before the Ethics Review Panel is whether a BCPS employee may use BCPS generated electronic media to contact and solicit potential donors for a charity event.

Section 8363, Items 5. and 6. of the Ethics Code restricts the use of BCPS records and lists for any commercial venture unless such use is for a valid educational purpose. These sections also restrict employees of BCPS from using the prestige of their office or, confidential information acquired from their position in the school system, to benefit others. The Ethics Review Panel finds that the use of any information, electronic or otherwise, acquired pursuant to one's position and used for an outside purpose(s) would be a clear violation of the Ethics Code and is prohibited by the relevant sections cited above.

This opinion has been signed by the Ethics Review Panel members and adopted on November 15, 2007.

Roland L. Unger, CPA, chair
Mary C. Burke, LCSW-C, BCD, vice chair
Meryl D. Burgin, Esq., panel member

Raymond A. Hein, Esq., panel member
Janel D. Sexton, M.A., Ph.D., panel member