

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 15-03

This Advisory Opinion 15-03 is in response to an Application to Provide an Advisory Opinion, filed by Applicant, an employee of the Baltimore County Public Schools ("BCPS"), who requested advice from the Panel regarding the following situation. The Applicant has an ongoing relationship with Towson University ("Towson"), where she consults with the School of Education/Office of Instructional Leadership and Professional Development on topics relating to classroom culture and climate. The Applicant has developed a model and Towson would like her to share her knowledge with other teachers. Towson and the Applicant are working towards revising the undergraduate program there to include these topics and the Applicant will help to design and teach the course. According to the Applicant, this will "represent a groundbreaking change in the undergraduate program." The Applicant will be the "ambassador" for the model and she wishes to "represent it and build awareness," which might include duties assigned by Towson, such as leading professional development for various school districts, including, but not limited to, BCPS.

The Applicant has sought the Panel's approval and guidance regarding the professional development activities she described. The Applicant does not intend to do any independent public speaking, but only to appear as arranged by Towson. Furthermore, the Applicant would conduct the professional development activities as a volunteer and would not be paid. The Applicant also acknowledged that she is aware that as a BCPS employee, she may not individually market the model through writing, public speaking, or in any other format. The Applicant is not marketing any books or other materials at the professional development sessions. The Applicant is specifically seeking "permission to work through" the Towson and professional development channel.


The issues raised by the Applicant concern potential conflicts of interest, so in reviewing the Application, the Panel reviewed Policy 8363. Section III generally prohibits BCPS employees from: (a) being employed or having a financial interest in an entity that is subject to the authority of the school system; (b) having a financial interest in or maintaining secondary employment with a business entity that is negotiating with or has entered into a contract with the school system; or (c) holding any other employment relationship that would impair the impartiality or independence of the judgment of the employee. Based upon the information provided by the Applicant in the Application, none of these prohibitions would apply to this situation. The Applicant has been asked to consult with Towson, but is not receiving remuneration. There is no indication that she has "secondary employment" with the University, even if there is a contractual relationship between Towson and BCPS.


Section VI. of Policy 8363 prohibits employees from intentionally using “the prestige of office or public position for private gain” of the employee “or the private gain of another.” Based on the information provided, it does not appear that the Applicant or any other individual is receiving “private gain” from the activities described. Obviously, there might be a violation of the Ethics Policy if any “private gain” results from the activities described,


The Panel would advise the Applicant that section VII of Policy 8363 *may* apply to her activities now or in the future and she should be very careful not to violate that section, which provides that an employee “may not disclose or use confidential information” that was acquired “by reason of” the employee’s position “and that is not available to the public for the economic benefit of the” employee or “the economic benefit or another person.” Although there is nothing in the Application to suggest that the Applicant is currently, or intends in the future to, disclose such information, the Panel urges the Applicant to be careful in this regard. Furthermore, section X of Policy 8363 prohibits an employee’s receipt of royalties or other personal gain, in a number of situations. First, an employee may not receive royalties for textbooks, instructional materials, or programs written or produced during working hours. Second, an employee may not use, for commercial purposes, any photographs or information, including, but not limited to, test scores and other confidential data. Finally, an employee may not compile lists of student and/or parent names, addresses, phone numbers, or related information available through that employee’s position for any other person or commercial enterprise. The Applicant should be mindful of these prohibited activities going forward.


For all of the above reasons, the Panel has concluded that the arrangement described in the Application to Provide an Advisory Opinion would not be prohibited by the Ethics Code. However, the Applicant should be aware and mindful of the provisions of the Conflict of Interest Policies set forth above.

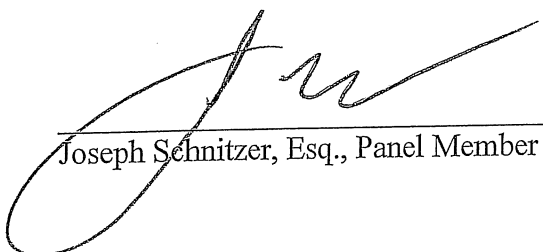
This opinion has been signed by the Ethics Review Panel members and adopted on October 15, 2015.

  
Theresa E. Barrett, Chair

  
Michael Hofmann, Sr., Vice Chair

  
Mary C. Burke, LCSW-C, BCD,  
Panel Member

  
Clare McSpaden, Esq., Panel Member

  
Joseph Schnitzer, Esq., Panel Member