

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 17-03

Advisory Opinion 17-03 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 under the BCPS Ethics Code for BCPS employees to solicit BCPS students (and their parents) to attend trips which are scheduled over summer break. The petitioner advises the Ethics Review Panel that the solicitations occur during the academic year, and, in return for students registering for trips, BCPS employees receive reduced cost or free trips acting as chaperones for the travel companies who plan and sponsor the trips. These trips are not sponsored by BCPS.

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

ETHICS CODE: Conflict of Interest – Prohibited Conduct (Section 8363)

“VI. Prestige of Office

A. A school system official may not intentionally use the prestige of office or public position for private gain of that official or the private gain of another...”

ETHICS CODE: Definitions (Section 8360)

The following terms used within the Ethics Code are defined as follows:

“Q. **Personal benefit** - means anything that promotes or enhances the well being of the individual, or his/her immediate family, or accrues to the personal advantage of that individual, or his/her immediate family.”

The matter before the panel is whether, under the Ethics Code, BCPS employees may personally benefit from the solicitation of students and parents to attend trips that are planned by independent travel organizations.

Section 8363 VI. prohibits school system employees from using “the prestige of office for private gain.” Although the Code does not define the term “private gain”, such phrase is deemed to be equivalent to the phrase in Section 8360 “personal benefit” which means “anything that promotes or enhances the well being of the individual or his/her immediate family, or accrues to the personal advantage of that individual, or his/her immediate family.”

Clearly, the acceptance of reduced cost or free travel, or other tangible benefits by BCPS employees resulting from the solicitation of students and parents to participate in non-school sponsored trips constitutes the use of the prestige of office for private gain.

Accordingly, it is the opinion of the panel that it would constitute a violation of the Ethics Code for BCPS employees to obtain any personal benefit from independent travel organizations due to their solicitation of students and parents to participate in these trips.

It is the opinion of the panel that it may be considered acceptable for an employee to generally promote a trip such as is described in this Opinion, provided such promotion occurs through manner of distribution consistent with all applicable Board of Education Policies and Rules, including Policy and Rule 2361.

Please also see Ethics Review Panel Advisory Opinions 08-13 and 10-04 which addressed similar, if not identical, issues.

This opinion has been signed by the Ethics Review Panel members and adopted on July 17, 2017.




Joseph M. Schnitzer, Esq., Chair



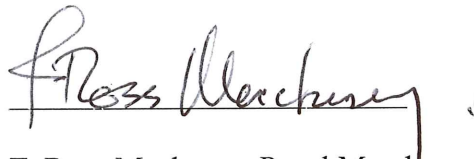
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