

## Advisory Opinion 22-03

This Advisory Opinion is in response to an *Application to Provide an Advisory Opinion* filed by a staff member [REDACTED]

The staff member has asked whether it would be permissible to obtain paid outside employment as a site coordinator for a 7-day conference organized by a private company, [REDACTED]. Alternatively, the staff member has asked whether it would be permissible to perform the site coordinator's duties on an unpaid volunteer basis. The conference would be held at a BCPS elementary school, and [REDACTED] has entered into a contract with BCPS to host the conference at that location.

The staff member advises that the duties of the site coordinator for the [REDACTED] conference would include the following:

- “Must attend all event planning meetings prior to the event or be willing to watch after if there is a conflict.”
- “You are the lead Problem Solver. You are responsible for creatively and quickly troubleshooting any challenges that may arise pertaining to the event venue.”
- “You are the liaison to the venue point of contact.”
- “You will work with the instructor and local point of contact to book necessary meals and refreshments.”
- “You are to ensure inbound/outbound workshop material is delivered.”
- “You are responsible for event set up/break down. Punctuality is critical.”

The staff member further advises that her supervisor was not comfortable approving this employment with [REDACTED] and her supervisor suggested that she seek an advisory opinion from the Ethics Review Panel.

Section IV.A. of Board of Education Policy 8363, *Conflict of Interest-Prohibited Conduct*, regarding *Employment and Financial Interests*, provides that:

Except as permitted by Board policies when the interest is disclosed, or when the employment does not create a conflict of interest or appearance of a conflict, a school official may not:

1. Be employed by or have a financial interest in an entity that is:
  - a. Subject to the authority of the Board or school system; or
  - b. Negotiating with or has entered into a contract with the Board or school system; or
2. Hold any other employment relationship that would impair the impartiality or independence of judgment of the school official.

The staff member, as a BCPS employee, is a “school official.” See Policy 8363, section II.D. [REDACTED] the school system to host this

7-day event. Accordingly, section IV.A.1.b above applies. The Panel concludes that this provision of the Ethics Code operates to preclude the paid outside employment as the site coordinator for this event. Regarding whether the staff member may perform the site coordinator’s duties on an unpaid volunteer basis, the Panel concludes that section IV.A.2 above applies. The Panel can envision situations where, if “challenges ... arise pertaining to the event venue,” the staff member’s “troubleshooting” duties as the “liaison to the venue point of contact” could conflict with the desires of the venue. Accordingly, the Panel concludes that this provision operates to preclude the staff member from performing the site coordinator’s duties on an unpaid volunteer basis for this event.

This Advisory Opinion has been adopted by the Ethics Review Panel members on April 21, 2022.

Tim Topoleski, Ph.D.  
Chair

Thomas Keech, Esq.  
Vice Chair

Owen Jarvis, Esq.  
Panel Member

Ralph Sapia, Esq.  
Panel Member

Cynthia Boyd, M.D. M.P.H.  
Panel Member