Title: School Employee Conflict of Interests
Code: GAH
Book: WJCC Policy Manual
Section G: Personnel

A. Purpose

The Williamsburg-James City County School Board is committed to maintaining public confidence and trust in the integrity of division officers and employees and emphasizes that the Virginia State and Local Government Conflict of Interests Act ("COIA") and the Ethics in Public Contracting provisions of the Virginia Public Procurement Act apply to all school board employees. The school board holds its employees to the highest standards of integrity and encourages employees to avoid even the appearance of a conflict of interest or impropriety.

B. Compliance

Williamsburg-James City County School Board employees are required to be familiar with and comply with applicable provisions of the law. Violations of applicable law could result in civil or criminal penalties.

The superintendent or superintendent's designee provides employees with information regarding access to the Virginia COIA and information on how to contact the Virginia Conflict of Interest and Ethics Advisory Council for assistance.

If an employee has any questions whether an interest the employee has in a contract, transaction, or other matter involving the school division is prohibited under law, the employee should contact the superintendent or superintendent's designee, or the Virginia Conflict of Interest and Ethics Advisory Council for guidance.

C. Advisory Opinions

Employees of Williamsburg-James City County School Division may request and rely in good faith on written opinions regarding the Act from:

- the local Commonwealth's attorney;
- the local county or city attorney; or
- the Virginia Conflict of Interest and Ethics Advisory Council.

When seeking a written opinion, division employees must fully disclose all the facts to obtain the protections afforded by law.

Adopted:
6/21/22

Legal References:
Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3121, 2.2-3124, 2.2-4367, 2.2-4368, 2.2-4369, 2.2-4370, 2.2-4371, 2.2-4372,

2.2-4373, 2.2-4374, 2.2-4375, 2.2-4376, 2.2-4376.1, 2.2-4376.2, 2.2-4377, 30-355, 30-356, 30-356.1, 30-356.2, 30-357, 30-358.

Cross References:
BBFA, Board Member Conflict of Interests and Member Ethics
DJG, Vendor Relations
GCCB, Employment of Family Members
KGA, Sales and Solicitations in the Schools
KJ, Advertising in the Schools

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A. Purpose

~~The State and Local Government Conflict of Interests Act (the Act), applies to public school employees and officials. The Act creates uniform standards of conduct for all public employees and officials. The Act also defines and prohibits inappropriate conflicts of interest and requires disclosure of economic interests in some circumstances. The purpose of this policy is to provide an introduction to the Act for employees. Additional information regarding the Act may be obtained from Policy BBFA *Conflict of Interests and Disclosure of Economic Interests* and from the Virginia Conflict of Interest and Ethics Advisory Council (the Ethics Council) which assists with compliance with the Act.~~
The Williamsburg-James City County School Board is committed to maintaining public confidence and trust in the integrity of division officers and employees and emphasizes that the Virginia State and Local Government Conflict of Interests Act ("COIA") and the Ethics in Public Contracting provisions of the Virginia Public Procurement Act apply to all school board employees. The school board holds its employees to the highest standards of integrity and encourages employees to avoid even the appearance of a conflict of interest or impropriety.

B. Compliance

Williamsburg-James City County School Board employees are required to ~~read and~~ be familiar with and comply with applicable provisions of the law. ~~the Act.~~ Violations of applicable law could result in civil or criminal penalties. ~~The division superintendent provides employees with information regarding how to access the Act and how to contact the Ethics Council.~~

~~The Act's provisions are complex and their application is fact-specific. A violation of the Act could result in civil or criminal penalties. Therefore, if an employee has any question whether an interest the employee has in a contract or transaction involving the school division is prohibited under the Act, the employee should contact the division superintendent's office or the Ethics Council for assistance.~~
The superintendent or superintendent's designee provides employees with information regarding access to the Virginia COIA and information on how to contact the Virginia Conflict of Interest and Ethics Advisory Council for assistance.

If an employee has any questions whether an interest the employee has in a contract, transaction, or other matter involving the school division is prohibited under law, the employee should contact the superintendent or superintendent's designee, or the Virginia Conflict of Interest and Ethics Advisory Council for guidance.

~~C. Areas of Regulation~~

~~The Act prohibits school employees from having a "personal interest," as that term is defined by the Act, in certain contracts and transactions that involve the division and from engaging in other specified conduct related to the schools. The prohibited personal interest also may be that of the school employee's immediate family (a spouse or any other person who resides in the same household as the employee and who is a dependent of the employee).~~

~~Under the Act, an employee may be considered to have a prohibited conflict arising from:~~

- ~~a personal interest in a contract;~~
- ~~a personal interest in a transaction;~~
- ~~business opportunities tied to official acts;~~
- ~~misuse of confidential information; or~~
- ~~receipt or solicitation of certain gifts.~~

~~Examples of prohibited conduct include:~~

- ~~soliciting or accepting money or other things of value for services performed within the scope of the employee's official duties, except for the employee's compensation, expenses or other remuneration paid by the division;~~
- ~~using for the employee's own economic benefit or that of another party, confidential information that the employee has acquired by reason of the employee's public position and which is not available to the public;~~
- ~~accepting any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence the employee in the performance of the employee's official duties;~~
- ~~accepting any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in the performance of the employee's official duties;~~
- ~~entering into contracts with the school division under certain circumstances;~~
- ~~accepting a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor; and~~
- ~~accepting gifts from sources on a basis so frequent as to raise an appearance of the use of the employee's position for private gain.~~

~~D. Awards to Employees for Exceptional Service~~

~~The Act does not prohibit or apply to the acceptance by a teacher or other employee of Williamsburg-James City County Public Schools of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.~~

~~E~~C. Advisory Opinions

~~Employees may seek written opinions regarding application of the Act from the local Commonwealth's Attorney, the local County Attorney or the Ethics Council. Good faith reliance on a written opinion of the Commonwealth's Attorney or a formal opinion or written informal advice of the Ethics Council made in response to a written request for such opinion or advice regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice, bars prosecution for a knowing violation of the Act provided the opinion or advice was made after a full disclosure of the facts. If the employee relies on written informal advice given by the Ethics Council in a prosecution for a knowing violation of the Act, the record of the request and the written informal advice given shall be a public record and released upon request. An opinion of the local County Attorney may be introduced at trial as evidence that the employee did not knowingly violate the Act.~~

Employees of Williamsburg-James City County School Division may request and rely in good faith on written opinions regarding the Act from:

- the local Commonwealth's attorney;
- the local county or city attorney; or
- the Virginia Conflict of Interest and Ethics Advisory Council.

When seeking a written opinion, division employees must fully disclose all the facts to obtain the protections afforded by law.

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Legal References:
Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3121, 2.2-3124, 2.2-4367-4377, 30-355-358. ~~and 30-356.~~

Cross References:
BBFA, Board Member Conflict of Interests and Member Ethics
DJG, Vendor Relations
GCCB, Employment of Family Members
KGA, Sales and Solicitations in the Schools
KJ, Advertising in the Schools

Additional Resources

BBFA - Board Member Conflict of Interests and Member Ethics
DJG - Vendor Relations
GCCB, Employment of Family Members
KGA - Sales and Solicitations in the Schools
KJ - Advertising in the Schools
§ 2.2-3101. Definitions.
§ 2.2-3102. Application.
§ 2.2-3103. Prohibited conduct.
§ 2.2-3103.2. Return of gifts.
§ 2.2-3104.1. Exclusion of certain awards from scope of chapter.
§ 2.2-3109. Prohibited contracts by other officers and employees of local governmental agencies.
§ 2.2-3110. Further exceptions.
§ 2.2-3112. Prohibited conduct concerning personal interest in a transaction; exceptions.
§ 2.2-3121. Advisory opinions.
§ 2.2-3124. Civil penalty from violation of this chapter.
§ 2.2-4367. Purpose.
§ 2.2-4368. Definitions.
§ 2.2-4369. Proscribed participation by public employees in procurement transactions.
§ 2.2-4370. Disclosure of subsequent employment.
§ 2.2-4371. Prohibition on solicitation or acceptance of gifts; gifts by bidders, offerors, contractor or subcontractors prohibited.
§ 2.2-4372. Kickbacks.
§ 2.2-4373. Participation in bid preparation; limitation on submitting bid for same procurement.
§ 2.2-4374. Purchase of building materials, etc., from architect or engineer prohibited.
§ 2.2-4375. Certification of compliance required; penalty for false statements.

§ 2.2-4376. Misrepresentations prohibited.
§ 2.2-4376.1. Contributions and gifts; prohibition during procurement process.
§ 2.2-4376.2. (Effective until July 1, 2027) Disclosure of contributions and gifts during procurement process; civil penalty.
§ 2.2-4377. Penalty for violation.
§ 30-355. Virginia Conflict of Interest and Ethics Advisory Council; membership; terms; quorum; expenses.
§ 30-356. Powers and duties of the Council.
§ 30-356.1. Request for approval for certain travel.
§ 30-356.2. Right to grant extensions in special circumstances; civil penalty.
§ 30-357. Staff.
§ 30-358. Cooperation of agencies of state and local government.
