

POLICY GBEA

Board of Education Las Cruces Public Schools

Related Entries: GBEA-R; GBEB-C; GBEB-C-R

Responsible Office: Assistant Superintendent of Finance

Applicable To: Union Certified Employees Union Classified Employees Non-Union Employees
 All Employees

EMPLOYEE CONFLICT OF INTEREST

I. PURPOSE

To prohibit school district employees from engaging in or having financial interest in any activity that conflicts or raises a reasonable question of conflict with his or her duties and responsibilities.

II. BACKGROUND

It is essential that all school district employees maintain the highest ethical standards in all transactions with the school district; with state, federal and local governments; with other public institutions and private businesses; and with the general public.

School district employees shall perform their duties faithfully and efficiently and without any conflict of interest or the appearance or suspicion of a conflict of interest with the school district.

III. DEFINITION

1. “*Employee*” means all individuals who are employed by Las Cruces Public Schools either full-time or part-time.
2. “*Conflict of interest*” means any situation or circumstance in which an employee of the school district personally benefits at the expense of the public interest.
3. “*Immediate family*” means spouse, father, mother, stepfather, stepmother, brother, sister, step/half-brother, step/half-sister, or child, §13-1-62, NMSA 1978.

IV. POSITION

- A. This policy applies to all school district employees (faculty and staff).
- B. Employees shall not participate directly or indirectly in a procurement when the employee knows that he/she, or any member of the employee's immediate family, has a financial interest in the business seeking or obtaining a contract, in accordance with the New Mexico State Procurement Code §13-1-28, 193, NMSA 1978.

- C. Employees of the school district shall not accept favors or gratuities from any firm, person or corporation that is engaged in, or attempting to engage in, business transactions with the school district that is in conflict with LCPS Policy GBEB: Gifts To And Solicitation By Staff.
- D. Employees shall:
 - 1. avoid any conflict of interest that may affect their independent judgment in the impartial performance of their duties;
 - 2. not use their position of employment to enhance their direct or indirect financial interest;
 - 3. not use confidential information learned as employees of the school district for anyone's private gain §13-1-195 NMSA 1978;
- E. No employee shall have any direct or indirect financial interest in any contract for building or improving or for furnishing of supplies or services to the school district unless such contract complies with the provisions of the New Mexico Financial Disclosure Act §10-16A-1 NMSA 1978 and the New Mexico State Procurement Code.
- F. Employees who desire to do business with the school district shall petition for a waiver in accordance with state law §13.1.194 NMSA 1978. [See LCPS Regulation GBEA-R]
- G. School district employees, as well as individuals and firms proposing business transactions with the school district, shall disclose in advance and in writing any direct or indirect financial interest they may have in a transaction with the school district.
- H. Any employee who violates this policy or related administrative procedures shall be subject to disciplinary action, up to and including dismissal.
- I. The Superintendent of Schools shall promulgate a regulation for the enforcement of this policy.

V. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.



Board of Education, President

October 19, 2010

Date Approved

Policy GBEA – Employee Conflict of Interest

History: Formerly Policy 240, Revised 11.22.95, 10.17.00, 2.18.03; 10.19.10; responsible office changed from Associate Superintendent for Operations to Assistant Superintendent of Finance: 01.04.12

Legal Reference: New Mexico State Procurement Code, §13.1.190, 193, 195; §21.1.17, §21.1.35; Financial Disclosure Act §10.16A.1-8 NMSA 1978