

Emery County School District



Policy: DJG—Purchasing Ethics

Date Adopted: 20 April 1988

Current Review / Revision: 9 April 2014

Purpose

To establish District policy and procedure governing the ethical standards expected of District employees while involved either directly or indirectly with expending District funds.

Definitions

1. “Public funds” are defined as money, funds, and accounts, regardless of the source from which the funds are derived, that are owned, held, or administered by the School District.
2. “District” refers to the entirety of the school district, including the district office, schools, and other auxiliary locations.
3. “Vendor /Contractor” is a person interested in any way in the sale of a procurement item or insurance to the District.

Scope

This policy applies to all District administration, licensed educators, staff, students, organizations, and individuals that initiate, authorize, or process cash disbursements, either directly or indirectly, on behalf of the District. The scope includes all activities in all locations where public funds are expended. It is expected that in all dealings, District employees will act in an ethical manner that is consistent with the District’s code of ethics, the Utah Educators’ Standards, the Public Officers’ and Employees’ Ethics Act, and State procurement law.

General Policies

1. Hospitality Gifts
 - a) District employees may accept customary hospitality gifts such as a pen, pencil, stationery, toy, pin, trinket, snack, nonalcoholic beverage, appetizer, or similar items, provided the total value of all hospitality gifts received in relation to a particular procurement or contract is less than \$10. The total value of all hospitality gifts accepted by an employee from any one vendor/contractor in a fiscal year shall be less than \$50.
 - b) Any hospitality gift exceeding the \$10 and \$50 thresholds explained above is considered a gratuity, and the provisions below apply.
2. Gratuities
 - a) Regardless of dollar value, all District employees and their family members are prohibited from accepting any gratuity from a vendor/contractor. A gratuity is defined in this policy as money, advantageous loans, awards, employment, tickets, event admittance, entertainment for which a charge is normally made, meals, travel, lodging, or similar. Employees should consult the business administrator if they have questions.

- b) A vendor/contractor is prohibited from offering to District employees, and their family members, any gratuity, as defined above.
- c) The District will adhere to Utah Code and report violations to the attorney general's office, as required by statute. Violations by an interested person, vendor or contractor carry penalties ranging from a class B misdemeanor to a second-degree felony. Violations by a District employee carry penalties ranging from a class B misdemeanor to a second-degree felony. Employees in violation are also subject to disciplinary action up to and including termination of employment.

3. Kickbacks

- a) District employees are prohibited from entering into any agreement with a vendor/contractor, involving a kickback that would personally benefit the employee directly or indirectly. A kickback is defined in this policy as a gratuity given in exchange for favorable treatment in a pending procurement or the administration of a contract.
- b) A vendor/contractor is prohibited from offering to District employees any agreement involving a kickback, as defined above.
- c) The District will adhere to Utah Code and report violations to the attorney general's office, as required by statute. Violations by an interested person, vendor or contractor carry penalties ranging from a class B misdemeanor to a second-degree felony. Violations by a District employee carry penalties ranging from a class B misdemeanor to a second-degree felony. Employees in violation are also subject to disciplinary action up to and including termination of employment.

4. Vendor Relations

No favoritism will be extended to any vendor/contractor. Each order will be placed on the basis of quality, price, and delivery, with past services being a factor if all other considerations are equal. No person directly or indirectly connected with or employed by the District will be an agent for, or have any pecuniary or beneficial interest in, or receive any compensation or reward of any kind from any vendor/contractor for the sale of supplies, materials, equipment or services.

5. Position or Influence

- a) Employees are prohibited from using their position or influence to obtain a personal benefit, either directly or indirectly, from a vendor/contractor.
- b) The District will adhere to Utah Code and report violations to the attorney general's office, as required by statute. Violations by an interested person, vendor or contractor carry penalties ranging from a class B misdemeanor to a second-degree felony. Violations by a District employee carry penalties ranging from a class B misdemeanor to a second-degree felony. Employees in violation are also subject to disciplinary action up to and including termination of employment.

6. Purchasing for Personal Use

- a) Purchases of goods or services with District funds for personal use or gain are strictly prohibited.
- b) Purchases of goods or services for personal use, using District or school purchasing methods or advantages are strictly prohibited.