

Dyer County Board of Education

Descriptor Term:

Code of Ethics

Descriptor Code:

BH

Board Approved:

9/5/17

Rescinds:

BH

Board Approved:

11/4/08

Board members shall be governed in all of their actions by the following code of ethics:

1. Think in terms of children first, their education, training, and safety.
2. Provide equal educational opportunities for all children.
3. Consider at all times the interest of children from all parts of the county.
4. Refrain from criticizing employees publicly, instead will make such criticism to the director for investigation and action if necessary.
5. Recognize that authority rests only with the Board in official meetings.
6. Give the director full administrative authority for properly discharging his professional duties.
7. Accept the responsibility for becoming well informed concerning the duties of Board members and the proper functions of public schools.
8. Attempt to appraise fairly both the present and future educational needs of the community.

Section 1. Definitions.

1. "County" means Dyer County, Tennessee which includes all boards, committees, commissions, authorities, corporations, or other instrumentalities appointed or created by the county or an official of Dyer County, and specifically including the Dyer County Board of Education, the Dyer County Election Commission, the Dyer County Health Department, and utility districts in Dyer County.
2. "Nominal Amount" means the sum of \$100 per event and \$250 per source per calendar year, which amounts are stated in 2007 dollars and shall be adjusted annually to reflect changes in the consumer price index of the United States Government.
3. "Officials and Employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the County.

1 4. "Personal Interest" means, for the purpose of disclosure of personal interests in
 2 accordance with this Code of Ethics, a financial interest of the Official or Employee,
 3 or a financial interest of the Official's or Employee's spouse or child living in the same
 4 household, in the matter to be voted upon, regulated, supervised, or otherwise acted
 5 upon in an official capacity.

6
 7 **Section 2. Disclosure of personal interest.**

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 9 An Official or Employee who must exercise discretion relative to any matter, whether it is a voting
 10 matter or a non-voting matter, and who has a Personal Interest in the matter that affects or that would
 11 lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the
 12 exercise of the discretion when possible, the Personal Interest on the attached disclosure form and file
 13 the disclosure form with the Dyer County Clerk. In addition, the Official or Employee may, to the
 14 extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

15
 16 **Section 3. Acceptance of gifts and other things of value.**

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 18 An Official or Employee, or an Official's or Employee's spouse or child living in the same household,
 19 may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any
 20 kind from anyone other than the County:

- 21
 22 1. For the performance of an act, or refraining from performance of an act, that he or she
 23 would be expected to perform, or refrain from performing, in the regular course of his
 24 or her duties; or
 25
 26 2. That a reasonable person would understand was intended to influence the vote, official
 27 action, or judgment of the official or employee in executing County business.

28
 29 It shall not be considered a violation of this policy for an Official or Employee to receive entertainment,
 30 food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in
 31 connection with a conference sponsored by an established or recognized statewide association of county
 32 government officials or by an umbrella or affiliate organization of such statewide association of county
 33 government officials.

34
 35 In addition, it shall not be considered a violation of this policy for an Official or Employee to receive
 36 entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, beverages, or other
 37 non-monetary items that are provided or sponsored by any organization or person if the value of such
 38 items is reasonably determined not to exceed the Nominal Amount; provided further, if the value of
 39 such items received is reasonably determined to exceed the Nominal Amount, and Official or Employee
 40 does not violate this policy as long as such Official or Employee discloses receipt of such items on the
 41 attached disclosure form and files the disclosure form with the Dyer County Clerk prior to exercising
 42 discretion relative to the matter.

43
 44 **Section 4. Ethics Complaints.**

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 46 The County Ethics Committee (the "Ethics Committee") shall consist of seven members, namely the
 47 five members of the Local Government Committee of the Dyer County Legislative Body, the Chairman
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1 of the Dyer County Board of Education and the Dyer County Mayor. The Ethics Committee shall
2 convene as soon as practicable after the adoption of this policy and elect a chair and a secretary. The
3 records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of
4 the Dyer County Clerk, where they shall be open to public inspection.

5
6 Questions and complaints regarding violations of this Code of Ethics or of any violation of state law
7 governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be
8 in writing and signed by the person making the complaint, and shall set forth in reasonable detail the
9 facts upon which the complaint is based.

10
11 The County Ethics Committee shall investigate any credible complaint against an Official or Employee
12 charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative
13 when it acquires information indicating a possible violation, and make recommendations for action to
14 end or seek retribution for any activity that, in the Committee’s judgment, constitutes a violation of this
15 Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse
16 himself or herself from all proceedings involving such complaint.

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18 The Committee may:

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- 20 1. refer the matter to the Dyer County Attorney for a legal opinion and/or
- 21 recommendations for action;
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- 23
- 24 2. in the case of an Official, refer the matter to the Dyer County Legislative Body for
- 25 possible public censure if the Dyer County Legislative Body finds such action warranted;
- 26
- 27 3. in the case of an Employee, refer the matter to the Official responsible for supervision of
- 28 the Employee for possible disciplinary action if the Official finds discipline warranted;
- 29
- 30 4. in a case involving possible violation of state statutes, refer the matter to the district
- 31 attorney for possible ouster or criminal prosecution
- 32

33 The interpretation that a reasonable person in the circumstances would apply shall be used in
34 interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes
35 a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation
36 of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

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38 **Section 5. Applicable State Laws.**

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40 In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework
41 or the ethical behavior of County Officials and Employees in the performance of their duties. Officials
42 and Employees should familiarize themselves with the state laws applicable to their office or position
43 and the performance of their duties. To the extent that an issue is addressed by state law (law of
44 general application, local option law, or private act), the provisions of that state law, to the extent they
45 are more restrictive, shall control.

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47 Following is a brief summary of selected state laws concerning ethics in county government. For the
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1 full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

2
3 Campaign finance – T.C.A. Title 2, Chapter 10. Part one (campaign financial disclosure) requires
4 candidates for public office to disclose contributions and contributors to their campaigns. Part Three
5 (campaign contribution limits) limits the total amount of campaign contributions a candidate may
6 receive from an individual and sets limits on the amount a candidate may receive in cash.

7
8 Conflict of interest – T.C.A. §12-4-101 is the general conflict of interest statute that applies in all
9 counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract
10 from having a direct financial interest in that contract, purchase or work, and it requires disclosure of
11 indirect financial interests by public acknowledgement.

12
13 Conflict of interest – T.C.A. § 49-6-2003 applies to the department of education in all counties and
14 prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

15
16 Conflict of interest – T.C.A. § 5-1-125 applies in all counties and prohibits county officials and
17 employees from purchasing surplus county property except where it is sold by public bid.

18
19 Conflict of interest – T.C.A. § 54-7-203 applies in all counties that are governed by the County Uniform
20 Highway Law. It prohibits officials and employees in the highway department and members of the
21 county legislative body from having any personal interest in purchases of supplies, materials, machinery,
22 and equipment for the highway department.

23
24 Conflict of interest – T.C.A. § 5-5-102 and 12-4-101 govern disclosures and abstentions from voting
25 due to conflicts of interest of members of county legislative bodies.

26
27 Conflict of interest disclosure statements – T.C.A. § 8-50-501 and the following sections require
28 candidates and appointees to local public offices to file a disclosure statement with the state ethics
29 commission listing major sources of income, investments, lobbying activities, professional services
30 provided, bankruptcies, certain loans, and other information, and to keep those statements, up to date.

31
32 Honoraria – T.C.A. § 2-10-116 prohibits elected officials from accepting an honorarium (including
33 money or anything of value, but not including reimbursement for actual expenses) for an appearance,
34 speech, or article in their official capacity.

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36 Private use of public property – T.C.A. § 54-7-202 applies in counties that are governed by the County
37 Uniform Highway Law. It prohibits the private use of equipment, rock, and other highway materials.

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39 Court sales – T.C.A. § 39-16-405 prohibits judges, clerks of court, court officers, and employees of
40 court, from bidding on or purchasing any property sold through the court for which such person
41 discharges official duties.

42
43 Rules of the Supreme Court – Rule 10, Cannon 5 (Code of Judicial Conduct) establishes ethical rules
44 for judges and other court personnel when exercising judicial functions.

45
46 Fee statutes – T.C.A. § 8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are
47 authorized, prohibit official from requiring payment of fees in advance of performance of services
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1 except where specifically authorized, and set penalties for charging excessive or unauthorized fees.
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3 Consulting fee prohibition for elected county officials – T.C.A. § 2-10-122 and 2-10-124 prohibit
4 officials from receiving compensation for advising or assisting a person or entity in influencing county
5 legislative or administrative action.
6
7 Crimes involving public officials – T.C.A. § 39-16-101 and the following sections prohibit bribery,
8 soliciting unlawful compensation, and buying and selling in regard to offices.
9
10 Official misconduct – T.C.A. § 39-16-402 applies to public servants and candidates for office and
11 prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant’s
12 power, refusal to perform a duty imposed by law, violating a law relating to the servant’s office or
13 employment, and receiving a benefit not provided by law.
14
15 Official oppression – T.C.A. § 39-16-403 prohibits abuse of power by a public servant.
16
17 Bribery for votes – T.C.A. § 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.
18
19 Misuse of official information – T.C.A. § 39-16-404 prohibits a public servant from attaining a benefit
20 or aiding another person in attaining a benefit from information which was obtained in an official
21 capacity and is not available to the public.
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23 Ouster law – T.C.A. § 8-47-101 sets out conduct which is punishable by ouster from office, including
24 misconduct in office and neglect of duty.
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DYER COUNTY CODE OF ETHICS

DISCLOSURE STATEMENT

Instructions: This form is for reporting Personal Interests required to be disclosed under Section 2 of the Code of Ethics of Dyer County and the acceptance of gifts and other things of value in excess of the Nominal Amount under Section 3 of the Code of Ethics of Dyer County. Officials and Employees are required to disclose Personal Interests or gifts and other things of value in excess of the Nominal Amount in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an Official or Employee.

1. Date of disclosure: _____
2. Name of official or employee: _____
3. Office and position: _____
4. Description of gifts and other things of value in excess of the Nominal Amount (describe below in detail):

5. Description of Personal Interest (describe below in detail):

Signature of Official or Employee

Signature of Dyer County Clerk

Date Received