

<p style="text-align: center;"><b>TUCSON UNIFIED</b> SCHOOL DISTRICT</p> <p style="text-align: center;"><b>GOVERNING BOARD POLICY</b></p>	<p>POLICY TITLE:</p> <p>Purchasing Ethics Policy</p>
	<p>POLICY CODE: DJ</p>

**Commented [LM1]:** Black font text is from ASBA policy advisory 631, red font text is imported from other TUSD policies

**Prohibition Against Substantial and Improper Influence Upon Performance of Duties**

The District's Governing Board members and employees shall not use their offices or positions to receive any valuable things or benefits that would not ordinarily accrue to them in the performance of duties if the things or benefits are of such value or character as to manifest a substantial and improper influence upon the performance of their duties.

**Prohibition Against Soliciting, Accepting or Agreeing to Accept, Any Personal Gift or Benefit**

**Class 6 Felony:** A person who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or a person who supervises or participates in the planning, recommending, selecting or contracting for materials, services, goods, construction, or construction services of a school district or school purchasing cooperative is guilty of a Class 6 felony if the person solicits, accepts or agrees to accept any personal gift or benefit with a value of three hundred dollars (\$300) or more from a person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with the school district or school purchasing cooperative.

**Class 1 Misdemeanor:** Soliciting, accepting or agreeing to accept any personal gift or benefit with a value of less than three hundred dollars (\$300) is a Class 1 misdemeanor.

**Prohibition Against Offering, Confering, or Agreeing to Confer to Offer, Any Personal Gift or Benefit**

**Class 6 Felony:** Any person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with a school district or school purchasing cooperative that offers, confers or agrees to confer any personal gift or benefit with a value of three hundred dollars (\$300) or more on a person who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or on a person who supervises or participates in planning, recommending, selecting or contracting for materials, services, goods, construction or construction services of a school district or school purchasing cooperative, is guilty of a Class 6 felony.

**Class 1 Misdemeanor:** Offering, conferring or agreeing to confer any personal gift or benefit with a value of less than three hundred dollars (\$300) is a Class 1 misdemeanor.

**Definition of “Gift or Benefit”**

For the purpose of this policy a *gift or benefit* means a payment, distribution, expenditure, advance, deposit or monies (including gift cards of nominal value), any intangible personal property, or any kind of tangible personal or real property.

A *gift or benefit* does not include food or beverage, expenses or sponsorships related to a special event or function related to individuals identified in this policy, nor does this include an item of nominal value such as a greeting card, ~~T-shirt~~, mug or pen.

**Commented [LM2]:** Kevin Startt: strike 't-shirt' due to risk of people wearing t-shirt at district events and thereby promoting that vendor

**Ethics and Professional Conduct for Purchasing Department Staff**

The procurement activities of the Purchasing Department staff, shall be conducted on the highest level of ethical conduct.

The activities of all staff involved in District procurement shall promote positive relationships through courtesy and impartiality in all phases of the purchasing cycle by providing prompt and courteous attention to all who call with a legitimate business mission.

**Commented [LM3]:** Moved over from Purchasing Procedures policy

Furthermore, staff shall refrain from reciprocal agreements that limit or restrain fair competition for District business opportunities.

District staff involved in procurement activities or decisions on behalf of the District are required to annually sign and adhere to a written Ethics Policy (GBEAA-E) regarding procurement and vendor relations.

**Prohibition Against Selling or Purchasing for Personal Use**

No employee may purchase goods or services for personal use in the name of Tucson Unified School District No. 1.

No employee may sell goods or services for private gain to students or other employees on school premises or via District computer networks.

**Commented [LM4]:** Moved over from Purchasing Procedures Policy

No employee may use his/her position with the District to solicit, directly or indirectly, the purchase of supplies, services or equipment at special discounts for private use from any school district vendor.

Any person using their employment position or influence at the District for the purpose of obtaining goods or services for personal benefit or the personal benefit of others shall be subject to disciplinary action up to and including dismissal and possible criminal charges. Such activities shall include, but are not limited to:

- A. Purchases at discounted rates not available to the general public;
- or
- B. Acceptance of goods and services at no or reduced cost; or
- C. Purchases with the intent of avoiding sales taxes.

It is permissible to obtain goods and services for personal use at discounted rates where suppliers typically offer educational discounts to employees of the District. Such discounts are characterized by being made available to all employees regardless of position or influence. Employees are responsible for personal transactions with vendors, including sales tax, and purchase arrangements shall not be made through the use of District purchase orders or procurement cards.

**Prohibition  
Against  
Retaliation  
towards  
Whistleblowers**

A District employee who has control over personnel actions may not take reprisal against a District employee or that employee's disclosure of information that is a matter of public concern, including a violation of District policy or laws/regulations governing the District.

Adopted: \_\_\_\_\_

**LEGAL.REF.:**

**A.R.S.§:**

- 15-213 Procurement practices of school districts; violations; classification; definitions
- 15-323 Governing board member; voting eligibility; purchases from board member
- 38-503 Conflict of interest; exemptions; employment prohibition
- 38-504 Conflict of interest – prohibited acts

**CROSS Ref .:**

- DJE – Bidding/Purchasing Procedures
- DJE-R – Bidding/Purchasing Procedures
- GBEAA – Staff Conflict of Interest
- GBEAA-E – Staff Conflict of Interest Form