

***EMPLOYEES/PERSONNEL
Board Policy 421
St. Cloud Area School District 742***

***July 12, 2017
Revised: September 5, 2018
Revised: March 10, 2021***

421 GIFTS TO DISTRICT PERSONNEL

I. PURPOSE

The purpose of this policy is to establish ethical standards of conduct for all district personnel including any member of the school board, any superintendent, school principal, or other school district official regarding gifts from individuals, organizations or businesses. In addition, the purpose of this policy is to provide sufficient guidance to allow school district officials and other school employees to avoid the appearance of impropriety or the appearance of a conflict of interest with respect to gifts.

II. GENERAL STATEMENT OF POLICY

School district officials may not solicit, accept, or receive, either by direct or indirect means, a gift from an interested person, vendor or provider doing business with or seeking to do business with the school district.

III. DEFINITIONS

For purposes of Section II of this policy the following definitions apply:

- A. “Gift” means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment that is given without something of equal or greater value being received in return.
- B. “Interested person” means a person or a representative of a person or association that has a direct financial interest in a decision that a school board member, a superintendent, a school principal, or a district school officer is authorized to make.
- C. “Provider” and “Vendor” mean a person or a representative of a person or association that has a direct financial interest in a decision that a school district official is authorized to make.

- D. “School district official” means an employee or independent contractor acting on behalf of the school district whose job duties include screening or selection of vendors or providers of goods or services offered to the school district. School district officials include specifically any superintendents, principals, business managers, resource managers, activities coordinators, executive directors, and any school district employees who are in a position to make or influence a purchasing or contracting decision with a provider or vendor.
- E. *“Financial interest” means any ownership or control in an asset which has the potential to produce a monetary return.*

IV. GIFTS TO SCHOOL OFFICIALS FROM INTERESTED PERSONS, VENDORS AND PROVIDERS

- A. The following items are not considered gifts under this policy:
 - 1. An authorized political contribution to a school board member;
 - 2. Services such as advice, consultation, information, and communication in connection with legislation and services to constituents to assist a school district official in the performance of official duties;
 - 3. Services of insignificant value;
 - 4. A plaque with a resale value of \$5 or less with an inscription recognizing an individual for an accomplishment or similar memento recognizing individual services in a field of specialty or to a charitable cause;
 - 5. A trinket or memento costing \$5 or less;
 - 6. Informational material of unexceptional value; or
 - 7. Food or a beverage given at a reception, meal, or meeting away from the recipient’s place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program.
- B. School district personnel may accept a gift if the gift is given:
 - 1. Because of the recipient’s membership in a group, a majority of whose members are not local officials, and an equivalent gift is given or offered to the other members of the group;

2. By an interested person who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family; or
3. By a national or multistate organization of governmental organizations or public officials, if a majority of the dues to the organization are paid from public funds, to attendees at a conference sponsored by that organization, if the gift is food or a beverage given at a reception or meal and an equivalent gift is given or offered to all others attending.

IV. GIFTS TO OTHER SCHOOL EMPLOYEES

The school district recognizes that students, parents and others may wish to show appreciation to school district employees. The policy of the School District is to discourage gift giving to individual employees, and instead, to encourage donors to write letters or notes of appreciation, or to consider making a donation to the school. School district employees, however, may accept small gifts as tokens of appreciation without violating this policy. Gifts may not be given or accepted under this provision if the gift is given with the intent to influence a decision relating to a student's participation in the academic or extracurricular programs of the district.

VI. PROCEDURES

- A. If a school district official or employee is offered a gift that is not allowed under Policy 421, the school district official or employee must inform the person offering the gift that he or she is not allowed to accept the gift personally.
- B. The school district official or employee may direct the person offering the gift to redirect the gift to the school district or other related entity.
- C. If any school district official or employee has a question about whether a gift may be accepted, the school district official or employee should consult with his or her supervisor, the Executive Director of Human Resources, or the Superintendent.

VII. VIOLATIONS

Employees who violate the provisions of this policy may be subject to discipline, which may include reprimand, suspension, and/or termination or discharge.

Legal References: Minn. Stat. § 10A.071 Certain Gifts by Lobbyists and Principals Prohibited

Minn. Stat § 123B.02 Subd.6 Bequests, Donations, Gifts
Minn. Stat § 471.87 Public Officers, Interest in Contract; Penalty
Minn. Stat § 471.88 Exceptions
Minn. Stat §471.89 Contract, when void
Minn. Stat. § 471.895 Certain Gifts by Interested Persons
Prohibited

Cross References: Minn. Stat. § 10A.07 (Conflicts of Interest)
Minn. Stat. § 10A.071 (Prohibition of Gifts)
Minn. Stat. § 15.43 (Acceptance of Advantage by State Employee;
Penalty)
Minn. Stat. § 471.895 (Certain Gifts by Interested Persons
Prohibited)
Board Policy 209 (Code of Ethics)
Board Policy 210 (Conflict of Interest – School Board Members)
Board Policy 306 (Administrator Code of Ethics)

BOARD POLICY 421
St. Cloud Area School District 742
Waite Park, Minnesota

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