

**GARDNER VALLEY SCHOOL  
BOARD MEMBER AND EMPLOYEE CODE OF CONDUCT**

The Gardner Valley School (also referred to as “Charter” or “School”) adopts this Code of Conduct governing the actions of Board Members and School Employees to ensure protection of the public trust and faithful performance of fiduciary responsibilities.

(1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty and the public trust.

(a) Personal pronouns in this document denote both male and female gender.

(b) Acts by Board Members and School Employees that violate this code of conduct shall be penalized removal from the Charter board or School employment, disciplinary actions or civil penalties as provided by law, after appropriate and legal due process.

(2) A Gardner Valley School Board member or employee shall not:

(a) Engage in a substantial financial transaction for her private business purposes with a person whom she inspects, supervises, or evaluates or a student she evaluates in the course of her official duties;

(b) Perform an official act that directly and substantially affords an economic benefit to a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(c) Accept goods or services for her own personal benefit offered by a person who is at the same time providing goods or services to Gardner Valley School unless the totality of the attendant circumstances indicates that the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration and the Board member or employee does not receive any substantial benefit resulting from her official position or status that is unavailable to members of the public generally.

(d) It shall not be a violation of this code of conduct if the financial interest of a board member or employee in Charter business or contracts is insubstantial or attenuated or if the board member / employee receives an unsolicited gift of negligible value.

(3)(a) A Gardner Valley School Board member or School employee who has a personal or private interest in any matter proposed or pending before the Board shall disclose such interest and shall not vote thereon and shall refrain from attempting to influence decisions of the other Board members in voting on the matter.

(3)(b) A member of the Charter board may vote notwithstanding paragraph (a) of this subsection if his participation is necessary to obtain a quorum or otherwise enable the body to act and if he complies with the voluntary disclosure procedures required by Colorado Revised Statutes, Section 24-18-110.

(a) Section 24-18-110, as relevant here, would require the Charter board member who receives no compensation other than a per diem allowance or necessary and reasonable expenses, prior to acting in a manner which may impinge on his fiduciary duty and the public trust, to disclose the nature of his private interest, if any, the purpose and duration of his services rendered, if any, and the compensation received for the services or such other information as is necessary to describe his interest. If he then performs the official act involved, he shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act. Such disclosure shall constitute an affirmative defense to any civil or criminal action or any other sanction.

(4) It shall not be a breach of fiduciary duty and the public trust for a Board member or School employee to

(a) Use local government facilities or equipment to communicate or correspond with a member's constituents, family members, or business associates; or

(b) Accept or receive a benefit as an indirect consequence of transacting local government business.

(5)(a) It is neither a conflict of interest nor a breach of fiduciary duty or the public trust for a Charter board member or School employee to serve on a board of directors of a nonprofit entity and, when serving on such governing body, to vote on matters that may pertain to or benefit the nonprofit entity.

(5)(b)(I) Except as provided in subsection (5)(b)(II) of this section, a Charter board member or School employee is not required to provide or file a disclosure or otherwise comply with the requirements of subsection (3) of this section unless Charter board member or School employee or her immediate family member has a financial interest in, or receives services from, the nonprofit entity independent of the official's membership on the board of directors of the nonprofit entity.

(II) A Charter board member or School employee who serves on the board of directors of a nonprofit entity shall publicly announce his or her relationship with the nonprofit entity before voting on a matter that provides a direct and substantial economic benefit to the nonprofit entity.

(6) No employee, board member, officer or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. A conflict would arise when the employee, board member, officer or agent,

any member of her immediate family, her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in a firm selected for a contract award. The officers, employees, board members and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub agreements.

Adopted: 5/19/21