



# ENTHEOS ACADEMY

EXCELLENCE • SERVICE • LEADERSHIP

## 3104 CONFLICTS OF INTEREST

### **Purpose**

This policy is intended to ensure that employees of Entheos Academy are free from conflicts of interest in their employment and to protect the interests of Entheos Academy in a transaction or arrangement that might benefit the private interest of Interested Person (defined below), or that might result in an excess benefit transaction. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflict of interests applicable to nonprofit and charitable organizations.

### **Scope**

- I. Entheos Academy Board Members, Committee Members, Advisors, and employees of Entheos Academy.
- II. Employees of Entheos Academy are subject to this policy, state and federal laws, and Entheos rules when performing services for employers other than Entheos Academy and when engaged in activities outside of the workplace that may be viewed as a conflict or compromise public confidence in the ability of Entheos Academy to provide appropriate services.
- III. Educators employed by contract with Entheos Academy, who may not be subject to Entheos Academy rules, are also subject to this policy, consistent with the terms of the negotiated employment agreement requiring compliance with Entheos Academy policies.

### **Definitions**

- I. “Conflict of interest” means a situation where an individual's private interests or outside economic interests interfere with or have the potential to interfere with his or her duties and responsibilities or raises a reasonable question about such interference.
- II. “Interested Person”: An Interested Person is:
  - A. A Governing Board member, employee, officer, or agent;
  - B. The immediate family of the Governing Board member, employee, officer, or agent;
  - C. The partner of the Governing Board member, employee, officer, or agent; or

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- D. An organization that employs or is about to employ any individual in clauses A-C E.
- II. “Financial Interest”: A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
  - A. An ownership or investment interest in any entity with which Entheos enters a contract;
  - B. A compensation arrangement with Entheos or with any entity with which Entheos enters a contract; or
  - C. A potential ownership or investment interest in, or compensation arrangements with, any entity with which Entheos negotiates a contract.
- III. “Committee: Any standing or ad hoc Governing Board committee with board-delegated authority
- IV. For the purpose of this policy "Family member" or “relative" means a spouse, son, daughter, stepchild, father, mother, sister, brother, aunt, uncle, niece, nephew, cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

### Policy

- I. Entheos employees, contractors, and board members are responsible for ensuring that any conflicts of interest are disclosed and managed.
- II. No Interested Person shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict of interest exists when an Interested Person has a financial or other interest in the entity with which Entheos is contracting. Interested Persons must provide advance notification to the Entheos Governing Board if they intend to enter into any activity, relationship, or arrangement that may reasonably be perceived as a conflict of interest.
  - A. A violation of this prohibition renders a contract void.
- III. In accordance with Utah Code § 52-3-1, a member of the School Board’s or an employee’s immediate family will be considered for employment based solely on their qualifications.
  - A. It is an offense for a Board member, employee, or officer to receive or agree to receive compensation for assisting any person or business entity in any transaction involving an agency without complying with the provisions in Utah Code § 67-16-6. A Governing Board member, employee, or officer must not receive compensation from a group health insurance provider.
  - B. It is unlawful for any person affiliated with a charter school to demand or request any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated with the charter school as a condition for employment or

enrollment at the school or continued attendance at the school according to Utah Code § 53A-1a-513(9).

### PROCEDURES

- I. Duty to Disclose: In connection with any actual or possible conflict of interest, an Interested Person must disclose the existence of the financial or other interest and be given the opportunity to disclose all material facts to the Entheos Administration or School Board or Committee, to determine if an actual conflict of interest exists.
  - A. Disclosures shall be in writing.
  - B. Disclosures shall be submitted annually or whenever a change in status occurs that has the potential to create a conflict.
  - C. Disclosure shall include any outside work activity, including but not limited to acquiring consulting clients or any other profit-seeking activities outside an employee's primary employment with Entheos Academy.
- II. Violations of the Conflict of Interest Policy:
  - A. If the Governing Board has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose; and
  - B. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Governing Board determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.
  - C. Recording Proceedings: The minutes of the Governing Board and all Committees shall contain:
    1. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with any actual or possible conflict of interest;
    2. The nature of the financial interest;
    3. Any action taken to determine whether a conflict of interest was present;
    4. The Governing Board's or Committee's decision as to whether a disclosed possible conflict is, in fact, a conflict of interest;
    5. The names of the persons who were present for discussions and votes relating to the contract;
    6. The content of the discussion, including any alternatives to the proposed contract; and
    7. A record of any votes taken in connection with the proceedings.

### ACKNOWLEDGEMENT

- I. Each Governing Board member, employee, officer, or agent, committee member, and employee shall, upon appointment, be informed of this Conflict of Interest Policy

### EXAMPLES

- I. Examples of a Conflict of Interest include, but are not limited to the following:
  - A. Being engaged in work for an outside employer during the same hours one is scheduled to work for Entheos Academy, or otherwise accepting employment.
  - B. Engaging in a business venture or participating in outside activities that actually or potentially interfere with the independence of judgment or the ethical performance of an employee's job duties in an Entheos Academy position.
  - C. Engaging in a business venture or becoming affiliated or having financial interests with an organization that is currently conducting business with Entheos Academy, or about to conduct business with Entheos Academy, or contracting or performing as a vendor for the state while employed with Entheos Academy.
  - D. Using office work time, resources, and/or materials or disclosing information acquired because of one's position at Entheos Academy to secure special privileges or for private benefit or financial gain.
  - E. Finding oneself incapable of performing at full capacity in an Entheos Academy position because of fatigue or other impairments caused by outside activities.
  - F. Representing customers from outside employment before any state agency, board, committee, etc.
  - G. Soliciting political or personal contributions from employees during hours of employment.
  - H. Accepting gifts with a value of over \$50, or family members of an employee accepting any gift, offer of travel, unusual hospitality, or anything from any person or entity in connection with any business or transaction of the state with a value over \$50. (Consistent with the Governor's Executive Order #002 2014 at [www.rules.utah.gov](http://www.rules.utah.gov).)
  - I. Hatch Act Conflicts, which limit certain activities both during work time or during off time when an employee's principal activity is directly related to a federally financed program. Detailed information on the Hatch Act can be found at <https://osc.gov/Pages/HatchAct.aspx>.
  - J. Any activity that Entheos Academy determines is incompatible and conflicts with the missions, goals, and interests of Entheos Academy. (This will be reviewed on a case-by-case basis.)
  - K. Working for a third-party provider of Entheos Academy