

*NOTE: While Colorado BOCES are not required by law to adopt a policy on this subject, this policy is highly recommended because it reflects legal requirements that arguably apply to the executive director. However, the BOCES should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

### **Executive Director's Conduct**

The executive director shall observe the following rules of conduct established in state law. Accordingly, the executive director shall not:

1. Disclose or use confidential information acquired in the course of employment to further substantially the executive director's personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position to depart from the faithful and impartial discharge of the executive director's duties or which the executive director knows or should know is primarily for the purpose of a reward for action taken.
3. Engage in a substantial financial transaction for private business purposes with a person whom the executive director supervises.
4. Perform an action which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the executive director has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

It shall not be considered a breach of conduct for the executive director to:

1. Use BOCES facilities and equipment to communicate or correspond with constituents, family members or business associates on an occasional basis.
2. Accept or receive a benefit as an indirect consequence of transacting BOCES business.

(Adoption date)

LEGAL REFS.: C.R.S. 18-8-308 (*disclosure of pecuniary conflicts of interest*)  
C.R.S. 22-5-108 (*powers of the Board*)  
C.R.S. 22-32-110 (1)(k) (*power to adopt conduct rules*)  
C.R.S. 24-18-104 (*government employee rules of conduct*)

C.R.S. 24-18-109 (local government employee rules of conduct)

*NOTE 1: State law defines "economic benefit tantamount to a gift of substantial value" to include: 1. A loan at a rate of interest substantially lower than the prevailing commercial rate; 2. Compensation received for private services rendered at a rate substantially exceeding the fair market value; and 3. Goods or services for the BOCES employee's personal benefit offered by a person who is at the same time providing goods or services to the BOCES under a contract or other means by which the person receives payment or other compensation from the BOCES. C.R.S. 24-18-104 (2). However, state law permits a BOCES employee to receive such goods or services if the "totality of the circumstances" indicates the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the employee does not receive any substantial benefit resulting from the employee's status that is unavailable to members of the public generally. C.R.S. 24-18-104 (2)(b).*

*NOTE 2: State law lists the type of items that are not considered "gifts of substantial value or substantial economic benefit tantamount to a gift of substantial value" and are therefore permissible for a BOCES employee to receive. See, C.R.S. 24-18-104 (3). Such items include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act; an unsolicited item of trivial value (i.e. currently less than \$75), "such as a pen, calendar, plant, book, notepad or similar item;" and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. Id.; see also, Colo. Const. Art. XXIX, Section 3.*

*NOTE 3: The amount of the gift limit (\$75) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203 (8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of 2027. Colo. Const. Art. XXIX, Section 3 (6).*

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