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## Frequently Asked Questions About Staff Gifts

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As the holidays approach, staff members may be receiving gifts from parents, students and community members. While these gifts are often well-intentioned and much appreciated, it is important for all staff to understand there are limits for appropriate gifts to school employees. The Board's policy considers gift-giving an undesirable practice because it tends to embarrass students with limited means and gives the appearance of currying favor. See Board Policy 3214.

### **What does Ohio law say about gifts?**

#### Gifts

Ohio law prohibits most public employees from soliciting, accepting, or using the authority of their public position to secure anything of value, including a gift, meal, or entertainment, that could have a "substantial" and "improper" influence upon them in the performance of their duties. Notably, this prohibition does not apply to teachers, unless they perform administrative or supervisory functions, such as department heads. Even though the law does not necessarily prohibit the solicitation or acceptance of gifts, teachers are strongly encouraged to follow the guidelines below regarding gifts to avoid other ethical issues. For example, the *Licensure Code of Professional Conduct for Ohio Educators*, adopted and enforced by the Ohio Department of Education, prohibits accepting gifts from vendors or potential vendors for personal use or gain exceeding \$25.00 in value. By following the law as it applies to all school employees, teachers without supervisory duties will be able to steer clear of potential professional conduct issues and/or the appearance of impropriety.

#### Supplemental compensation

A public school employee cannot accept anything of value from any person, company, or other entity or association, other than the public school district he or she serves, if it is given with the intent to compensate him for some action, inaction, or decisions of the official in the performance of his or her public duties. This provision of the law applies to all public employees, including teachers without supervisory duties.

### **Can a staff member accept a gift from a vendor?**

Yes, as long as a school employee does not solicit, accept, or use the authority of his or her public position to secure anything of value, including a gift, meal, or entertainment, that could have a "substantial" and "improper" influence upon him in the performance of his duties.

#### What are some examples of improper sources?

Some things of value—because of their **source**—could have an "improper" influence upon an official in the performance of his duties. A person, company, or other private or public entity or association that is regulated by, interested in matters before, or doing or seeking to do business with, a public agency is an **improper source** of gifts, meals, entertainment activities, and other things of value offered to the officials of that agency.

What are some examples of things of value that may have a substantial influence on an employee?

Some things of value-because of their **nature**-could have a “substantial” influence upon an official in the performance of his duties. Gifts, meals at expensive restaurants, entertainment activities, such as exclusive golf outings and season tickets to the games of a professional sports team, are of a substantial value. Jewelry, discounts on major consumer items, and travel, meal, and lodging expenses are also of substantial value.

**Can a staff member accept a gift of nominal value from a student or parent, for example \$20-25?**

Yes. Small gifts, such as a book, a meal at a family restaurant, a promotional item, an inexpensive entertainment activity, and other things of nominal value, even if they are provided by an improper source, will not have a substantial influence on an official. A staff member is not prohibited from accepting these kinds of items.

**Can a staff member accept multiple gifts of nominal value from a student or parent, for example \$20-25, two or three times per year?**

Yes. Multiple small gifts of a nominal value are probably permitted. When small gifts are given frequently, they may approach an unreasonable amount, depending on the circumstances. For example, providing a gift card for lunch or dinner out each weekend would be more than a nominal value.

**Can a staff member accept a gift that is more than \$20-25 from the entire class or a group of students?**

Yes. If parents or students go together to purchase a gift, the nominal value limit of \$20-25 still applies. For example, if five parents go together to purchase a gift card, that value could be \$100-125 and still be nominal.

**Can students, parents, or outside groups provide a staff member with additional compensation for performing his or her public duties?**

No. If the intent of a payment or gift to is to compensate the school employee for some action, inaction, or decisions of the official in the performance of his or her public duties, the compensation may be viewed as unlawful supplemental compensation. Ohio law prohibits a school employee from being paid to do his or her job by any person or entity other than the school. For example, a booster group, or a group of parents, may not provide a coach a “bonus” for a winning season. Likewise, the coach may not accept such a “bonus.”

**What should a staff member do if they have been offered or given a gift that is more than a nominal value and/or from an improper source?**

If a staff member has a question about a gift, he or she should contact \_\_\_\_\_. If the gift is from an improper source and is more than a nominal value, the gift should be returned. If the gift is not from an improper source, but exceeds a nominal value, for example a gift basket of cookies, the item could be returned or placed in the teachers’ lounge or elsewhere for sharing. Staff members are encouraged to remind parents of these guidelines in order to avoid the receipt of improper gifts.