



## 4000-Employees

### 34 - Private but Public Education Related Activities Policy

#### 1. Purpose

- 1.1. The purpose of this policy is to provide directives for Providence Hall Charter School (PHCS) employees who currently are or desire to engage in private but public education related activities.
- 1.2. The Board of Trustees (Board) authorizes the PHCS Administration to develop appropriate guidelines, procedures, protocols, and processes for this policy.

#### 2. Definitions

- 2.1. **Employee** includes all persons who perform services for PHCS, including without limitation all full time, part time, salary, hourly, or temporary licensed employees, non-licensed employees, Administrators, educators, hourly employees, Board members, and substitute teachers.
- 2.2. **Activity sponsor** means a private or public individual or entity from which the employee of PHCS receives compensation of any sort and in which public school (including public charter school) students participate.
- 2.3. **Extracurricular activities** means activities for students that are recognized or sanctioned by the PHCS that may supplement or complement but are not an official part of, its required program or regular curriculum.
- 2.4. **Private but public education-related activities** means any type of activity for which the employee receives compensation and the principle clients are students at the school where the employee works. Such activities include but are not limited to:
  - 2.4.1. tutoring;
  - 2.4.2. lessons;
  - 2.4.3. clinics;
  - 2.4.4. camps; or
  - 2.4.5. travel opportunities.
- 2.5. **Student** is any person under the age of nineteen (19) receiving educational services at PHCS or anyone under the age of twenty-three (23) who is receiving educational services at PHCS as an individual with a disability.

#### 3. Prohibition upon Educator Participation in Private But Public Education-Related Activities

- 3.1. An employee who participates in a private but public education-related activity shall ensure that his or her participation in the activity is separate and distinguishable from the employee's public employment. In relation to a private but public education-related activity, the employee may not:
  - 3.1.1. Use education records or information obtained through employment with PHCS to promote the activity unless the records, resources, or information are readily available to the general public.
  - 3.1.2. Use PHCS time to promote, discuss or prepare for the activity;
  - 3.1.3. State or imply to any person or entity that participation in a PHCS sponsored program or extracurricular activity is conditioned in any way for participation in the activity.
  - 3.1.4. Give or withhold credit based on participation in the activity, including but not limited to clinics, camps, private programs, or travel activities that are not equally and freely available to all students;



3.1.5. Contact any students at public schools (including public charter schools) except as provided for below.

#### 4. Activities an Educator May Engage In

4.1. In relation to a private, but public related activity, an employee may:

4.1.1.1. Offer public education-related services, programs or activities to students provided that they are not advertised or promoted during PHCS time and consistent with PHCS policy.

4.1.1.2. Discuss the private activity with students or parents/guardians, but only outside of the classroom and the regular school day.

4.1.1.3. Use directories that are available to the general public to identify prospective clients, such as school phone directories distributed or made available to the public.

4.1.1.4. Use student or school publications in which commercial advertising is allowed to advertise and promote the private activity.

#### 5. Advertising

5.1.1. An employee may purchase advertising space to advertise an activity or service, whether or not sponsored by PHCS, in a publication that accepts paid or community advertising.

5.1.2. A paid advertisement in a PHCS publication may identify the activity participants and leaders or service providers by name, provide non-school contact information, and provide details of the employee's employment experience and qualifications.

5.1.3. An employee may post or distribute posters and brochures advertising an employee's private services only in the same manner as could be done by a member of the general public under PHCS policy or procedure.

5.1.4. Unless the activity is sponsored by PHCS, the paid advertisement in a PHCS publication shall state clearly and distinctly that the activity is NOT sponsored by the PHCS.

5.1.5. Neither the name of the school nor PHCS shall be used in the advertisement except as it relates to the employee's employment history or, if school facilities will be used through submission/approval of the *Facility Use Packet*. If the employee's name is used in an advertisement sent to the employee's students or posted, distributed, or otherwise made available in the employee's school, the advertisement shall state that the activity is not school-sponsored.

#### 6. Copies of Contracts Provided to PHCS

6.1. The employee must provide to the Human Resources a signed copy of all contracts between the employee and the sponsor of a private, but public-education related activity. PHCS will maintain a copy of these contracts in the employee's personnel file. Such contracts must be signed by the employee and must include the following acknowledgements:

6.1.1. that the parties understand that the activity is not sponsored by PHCS;

6.1.2. that the employee's responsibilities to the activity sponsor are outside the scope of and unrelated to any public duties or responsibilities the employee may have as an employee of PHCS; and

6.1.3. the employee agrees to comply with laws and rules of the State of Utah and PHCS policies regarding advertising and employee participation.



**FOR REFERENCE THIS IS THIS CURRENT POLICY  
THAT WAS EMBEDDED IN THE EMPLOYEE HANDBOOK**

**1. Conflict of Interest Policy**

- 1.1. PHCS and its employees have a duty to avoid real, perceived or potential conflicts of interest. A conflict of interest is defined as an event or transaction where an employee is in a position to influence a decision or have business dealings on behalf of PHCS' that might result in personal gain of the employee, one of his/her relatives.
- 1.2. Examples of conflict of interest include, but are not limited to,
  - 1.2.1. accepting gifts of any value associated with the procurement or other business dealings,
  - 1.2.2. requesting or granting favors,
  - 1.2.3. conducting undisclosed or undeclared business for personal gain.
- 1.3. A conflict of interest for personal gain can result from situations where you or a relative receives a bribe, gift, special consideration or kickback as a result of a transaction involving PHCS.
- 1.4. Although it is not possible to specify every action that might create a conflict of interest, this policy sets forth the actions that most frequently present problems.
- 1.5. If you have any question whether an action or proposed course of conduct would create a conflict of interest, you should immediately contact your Campus Administrator or Human Resources to obtain advice on the issue.

**1. Outside and Competing Employment Policy**

- 1.1. Subject to PHCS' written approval, you may work for other businesses during the course of your employment with PHCS; however, you may not
  - 1.1.1. accept or perform work of a nature that conflicts or competes in any way with the services of PHCS;
  - 1.1.2. use any PHCS resources for or in connection with any non-PHCS work, including, but not limited to,
    - 1.1.2.1. materials and supplies,
    - 1.1.2.2. intellectual property,
    - 1.1.2.3. computer hardware and software,
    - 1.1.2.4. telephones,
    - 1.1.2.5. facsimile machines, and
    - 1.1.2.6. copiers,
  - 1.1.3. perform any non-PHCS work on PHCS premises; or
  - 1.1.4. perform any non-PHCS work during assigned work hours.
- 1.2. PHCS will not unreasonably withhold such approval.
- 1.3. Educational services/advertising outside of an educator's regular employment with PHCS must follow [R277-107](#).

**1. Work Product Ownership Policy**

- 1.1. PHCS retains legal ownership of the product of your work.
- 1.2. Employees neither gain nor retain ownership rights to the material provided, purchased or used by them using PHCS funds while employed by PHCS.



- 1.3. They neither gain nor retain ownership rights to the material, intellectual property or work-product created by them in conjunction with any PHCS duty or project during or after employment at PHCS.
- 1.4. PHCS retains ownership of the work-product created by employees while employed by PHCS (and thereafter); and may use the results of employees' efforts in any manner appropriate including licensing such work products to others with or without remuneration to employees.
  - 1.4.1. This includes written and electronic documents, audio and video recordings, system code, and also any concepts, ideas, or other intellectual property developed for PHCS, regardless of whether the intellectual property is actually used by PHCS.
- 1.5. Upon termination or (earlier when requested), employees must return all materials provided to them or purchased by them with PHCS funds during employment.
  - 1.5.1. Employees who fail to return all materials and supplies, or who retain PHCS' intellectual property or work-product upon termination of employment for any reason (any separation) may be subject to criminal charges.
- 1.6. Public education materials funded by PHCS must follow [R277-120-4](#).