

1 Draft of possible legislation to require members of school boards that are appointed and not
2 elected to receive training on the State and Local Government Conflict of Interests Act

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4 **§ 2.2-3132. Training on prohibited conduct and conflicts of interest.**

5 A. The Council shall provide training sessions for local elected officials, *the members of*
6 *appointed school boards*, and the executive directors and members of industrial development
7 authorities and economic development authorities, as created by the Industrial Development and
8 Revenue Bond Act (§ [15.2-4900](#) et seq.), on the provisions of the State and Local Government
9 Conflict of Interests Act (§ [2.2-3100](#) et seq.). The Council may provide such training sessions by
10 online means.

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12 B. Each local elected official, *member of an appointed school board*, and the executive director
13 and members of each industrial development authority and economic development authority, as
14 created by the Industrial Development and Revenue Bond Act, shall complete the training
15 session described in subsection A within two months after assuming the local elected office and
16 thereafter at least once during each consecutive period of two calendar years while he holds such
17 office, commencing with the date on which he last completed a training session. No penalty shall
18 be imposed on a local elected official, *a member of an appointed school board*, or an executive
19 director or member of an industrial development authority or an economic development authority
20 for failing to complete a training session.

21 C. The clerk of the respective governing body or school board shall maintain records indicating
22 local elected officials, *members of appointed school boards*, and executive directors and
23 members of industrial development authorities and economic development authorities subject to
24 the training requirement and the dates of their completion of a training session pursuant to
25 subsection B. Such records shall be maintained as public records for five years in the office of
26 the clerk of the respective governing body or school board.

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1 Draft of legislation to correct outdated filing date references in § 2.2-3106

2 **§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern**
3 **Virginia Medical School.**

4 A. No officer or employee of any governmental agency of state government or Eastern Virginia
5 Medical School shall have a personal interest in a contract with the governmental agency of
6 which he is an officer or employee, other than his own contract of employment.

7 B. No officer or employee of any governmental agency of state government or Eastern Virginia
8 Medical School shall have a personal interest in a contract with any other governmental agency
9 of state government unless such contract is (i) awarded as a result of competitive sealed bidding
10 or competitive negotiation as set forth in § [2.2-4302.1](#) or [2.2-4302.2](#) or (ii) is awarded after a
11 finding, in writing, by the administrative head of the governmental agency that competitive
12 bidding or negotiation is contrary to the best interest of the public.

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14 C. The provisions of this section shall not apply to:

15 1. An employee's personal interest in additional contracts of employment with his own
16 governmental agency that accrue to him because of a member of his immediate family, provided
17 the employee does not exercise any control over the employment or the employment activities of
18 the member of his immediate family and the employee is not in a position to influence those
19 activities;

20 2. The personal interest of an officer or employee of a public institution of higher education or
21 the Eastern Virginia Medical School in additional contracts of employment with his own
22 governmental agency that accrue to him because of a member of his immediate family, provided
23 (i) the officer or employee and the immediate family member are engaged in teaching, research
24 or administrative support positions at the educational institution or the Eastern Virginia Medical
25 School, (ii) the governing board of the educational institution finds that it is in the best interests
26 of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual
27 employment to exist, and (iii) after such finding, the governing board of the educational
28 institution or the Eastern Virginia Medical School ensures that the officer or employee, or the
29 immediate family member, does not have sole authority to supervise, evaluate or make personnel
30 decisions regarding the other;

31 3. An officer's or employee's personal interest in a contract of employment with any other
32 governmental agency of state government;

33 4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of
34 services or goods at uniform prices available to the general public;

35 5. An employee's personal interest in a contract between a public institution of higher education
36 in the Commonwealth or the Eastern Virginia Medical School and a publisher or wholesaler of
37 textbooks or other educational materials for students, which accrues to him solely because he has
38 authored or otherwise created such textbooks or materials;

39 6. An employee's personal interest in a contract with his or her employing public institution of
40 higher education to acquire the collections or scholarly works owned by the employee, including

41 manuscripts, musical scores, poetry, paintings, books or other materials, writings, or papers of an
42 academic, research, or cultural value to the institution, provided the president of the institution
43 approves the acquisition of such collections or scholarly works as being in the best interests of
44 the institution's public mission of service, research, or education;

45 7. Subject to approval by the board of visitors, an employee's personal interest in a contract
46 between the Eastern Virginia Medical School or a public institution of higher education in the
47 Commonwealth that operates a school of medicine or dentistry and a not-for-profit nonstock
48 corporation that operates a clinical practice within such public institution of higher education or
49 the Eastern Virginia Medical School and of which such employee is a member or employee;

50 8. Subject to approval by the relevant board of visitors, an employee's personal interest in a
51 contract for research and development or commercialization of intellectual property between a
52 public institution of higher education in the Commonwealth or the Eastern Virginia Medical
53 School and a business in which the employee has a personal interest, if (i) the employee's
54 personal interest has been disclosed to and approved by such public institution of higher
55 education or the Eastern Virginia Medical School prior to the time at which the contract is
56 entered into; (ii) the employee promptly files a disclosure statement pursuant to § [2.2-3117](#) and
57 thereafter files such statement annually on or before ~~January 15~~; **February 1**; (iii) the
58 institution has established a formal policy regarding such contracts, approved by the State
59 Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal
60 policy regarding such contracts in conformity with any applicable federal regulations that has
61 been approved by its board of visitors; and (iv) no later than December 31 of each year, the
62 institution or the Eastern Virginia Medical School files an annual report with the Secretary of the
63 Commonwealth disclosing each open contract entered into subject to this provision, the names of
64 the parties to each contract, the date each contract was executed and its term, the subject of each
65 contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern
66 Virginia Medical School's employee responsible for administering each contract, the details of
67 the institution's or the Eastern Virginia Medical School's commitment or investment of resources
68 or finances for each contract, and any other information requested by the Secretary of the
69 Commonwealth; or

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71 9. Subject to approval by the relevant board of visitors, an employee's personal interest in a
72 contract between a public institution of higher education in the Commonwealth or the Eastern
73 Virginia Medical School and a business in which the employee has a personal interest, if (i) the
74 personal interest has been disclosed to the institution or the Eastern Virginia Medical School
75 prior to the time the contract is entered into; (ii) the employee files a disclosure statement
76 pursuant to § [2.2-3117](#) and thereafter annually on or before ~~January 15~~; **February 1**; (iii) the
77 employee does not participate in the institution's or the Eastern Virginia Medical School's
78 decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School
79 finds and certifies in writing that the contract is for goods and services needed for quality patient
80 care, including related medical education or research, by the institution's medical center or the
81 Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations
82 necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and
83 medical technologies; and (v) no later than December 31 of each year, the institution or the
84 Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth
85 disclosing each open contract entered subject to this provision, the names of the parties to each

86 contract, the date each contract was executed and its term, the subject of each contractual
87 arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia
88 Medical School's employee responsible for administering each contract, the details of the
89 institution's or the Eastern Virginia Medical School's commitment or investment of resources or
90 finances for each contract, and any other information requested by the Secretary of the
91 Commonwealth.

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93 D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development
94 or commercialization of intellectual property or the employee's personal interest in a contract
95 with a business is subject to policies and regulations governing conflicts of interest promulgated
96 by any agency of the United States government, including the adoption of policies requiring the
97 disclosure and management of such conflicts of interests, the policies established by the Eastern
98 Virginia Medical School pursuant to such federal requirements shall constitute compliance with
99 subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the
100 Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with
101 such federal policies and regulations.

102 E. The board of visitors may delegate the authority granted under subdivision C 8 to the
103 president of the institution. If the board elects to delegate such authority, the board shall include
104 this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In
105 those instances where the board has delegated such authority, on or before December 1 of each
106 year, the president of the relevant institution shall file a report with the relevant board of visitors
107 disclosing each open contract entered into subject to this provision, the names of the parties to
108 each contract, the date each contract was executed and its term, the subject of each contractual
109 arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia
110 Medical School's employee responsible for administering each contract, the details of the
111 institution's or the Eastern Virginia Medical School's commitment or investment of resources or
112 finances for each contract, the details of how revenues are to be dispersed, and any other
113 information requested by the board of visitors.

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