

Teaching; Related Academic Activities  
Charter Sections 2604(a)(1)(b); (b)(2), (3) and (4);  
(e)

Advisory Opinion No. 94-16

The Conflicts of Interest Board (the "Board") has received a request for an opinion from a public servant who is an agency head, asking whether he may, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, teach on a part-time basis at a local college (the "College"), which is engaged in business dealings with the City. Also, the public servant has asked whether the City agency which he heads may participate in an internship program for local college students, including students from the College. For the reasons stated below, it is the opinion of the Board that it would not be a conflict of interest for the public servant to teach at the College, and for his City agency to participate in the College's internship program, under the circumstances discussed in this opinion.

Background

The public servant has recently entered City service. Prior to his joining City government, the public servant was, among other things, a full-time faculty member at the College. He has been employed there since 1967 and took an unpaid leave of absence upon joining City service. However, the public servant has advised the Board that he would like to continue his involvement with the College as an adjunct, part-time professor. He intends to teach one general survey course in political science per semester, to be held at times when he is not required to perform his official duties for the City. The public servant has advised the Board that his compensation would be an adjunct salary, commensurate with his prior experience and rank as an associate professor.

The public servant also has advised the Board that he would like to continue his involvement in the College's internship program. The internship program was already in progress at the time he took office, and the public servant already had supervisory responsibility for the students in the program. His involvement would be limited to having students from

the College serve as interns in his City agency, but he would have no academic or administrative responsibilities for the students serving as interns. The City agency would provide placements for the interns and space for lectures. A professor from the College, who has no ties to the public servant's agency, would be responsible for setting academic requirements, issuing grades, and performing other administrative tasks associated with the internship program.

The public servant's proposed involvement in the College's internship program would be passive in nature, especially in comparison to his responsibilities in the program before the public servant joined City service. Previously, he had actively supervised and evaluated the work of a large number of student interns in government, responsibilities that required a substantial time commitment.

#### Discussion

Charter Section 2604(a)(1)(b) provides that no

regular employee of the City, including the public servant making this request, shall have a position with a firm or institution such as the College which is engaged in business dealings with the City. Charter Section 2604(e) provides that a public servant may hold an otherwise prohibited position, where the Board has determined that the holding of the position would not conflict with the purposes and interests of the City.

Charter Section 2604(b)(2) provides that no public servant shall engage in any private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties. Charter Section 2604(b)(3) provides that no public servant shall use or attempt to use his or her official position to obtain any private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant. Charter Section 2604(b)(4) provides that no public servant shall disclose any confidential information concerning the City or use any such information to advance any private interest of the public servant or

of any person or firm associated with the public servant.

In light of the limited, part-time nature of the public servant's teaching duties, it is unlikely that this work will conflict with the proper discharge of his official duties. See Charter Section 2604(b)(2). With respect to the public servant's proposed involvement in the internship program on behalf of the City, such involvement would be limited to making his agency's office and resources available to the College interns. The public servant would have no academic or administrative responsibilities with respect to the interns. If the public servant were to continue working on the internship program on behalf of the College, which would require a substantial time commitment and a close working relationship with students from the College, such an endeavor could cause the appearance that the public servant was too heavily involved in devoting substantial time to outside activities or that he was using his City position to obtain a private advantage for the College or its students, beyond the fact that his office provides

opportunities for internships. See Charter Sections 2604(b)(2) and (3).

Conclusion

The Board has determined, in accordance with the requirements of Charter Section 2604(e), that the public servant's limited, part-time teaching activities would not conflict with the purposes and interests of the City. Accordingly, it is the opinion of the Board that the public servant may, consistent with Chapter 68, teach at the College. Furthermore, the public servant's City agency may participate in the College's internship program, in the manner described above, provided that the public servant's teaching duties are performed at times when he is not required to perform his official duties for the City; the public servant has no academic or administrative responsibilities with respect to the College interns and does not use or attempt to use his City position to obtain any private or personal advantage for himself, the College or its students; and the public servant does not disclose or use for private advantage any

confidential information concerning the City. See Charter Sections 2604(b)(2), (3) and (4), respectively.

The Board's opinion that the internship program at the public servant's agency may continue, but without the public servant's active participation, is based on, among other considerations, the fact that the public servant will not supervise the interns, which would require continual involvement and substantial time. As the head of a large City agency, the public servant's active participation in the internship program might have interfered with the discharge of his official City duties. In the absence of these circumstances, a more active participation in a City agency's internship program generally would not violate Chapter 68.

Furthermore, the Board notes with approval that City agencies have frequently and successfully worked with local colleges and universities in implementing student internship programs. Such programs bestow great benefits on both the students and the City agencies which they serve. The Board encourages the implementation of such programs, provided that this is accomplished in a manner consistent with Chapter 68.

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