

EAST QUOGUE UNION FREE SCHOOL DISTRICT

Policy 2160

BOARD MEMBER, SCHOOL DISTRICT OFFICERS AND EMPLOYEE CODE OF ETHICS

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board member, officer or employee may call into question the integrity of the management or operation of the school district. The Board of Education recognizes that sound, ethical standards of conduct serve to increase the effectiveness of district officers and staff as educators and public employees in the community. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of District goals.

The Board of Education also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all Board members, district officers, and employees under the provisions of the General Municipal Law. Therefore, every Board member, officer and employee of the district, whether paid or unpaid, shall adhere to the following code of ethics.

Statutory Conflicts of Interest

It is a conflict of interest for a Board member, officer or employee to benefit personally from contracts made in their official capacity.

- "*Contract*" is defined broadly to include any claim, account or demand against or agreement (express or implied) with the district which exceeds the sum of \$750.00 in any fiscal year.
- An "*interest*" is defined as a direct or indirect pecuniary or material benefit accruing to an officer or employee as the result of a contract with the district.

No Board of Education member, officer or employee shall have an "*interest*" (i.e., receive a direct or indirect benefit as the result of a contract with the district) in:

1. a firm, partnership or association in which he/she *is* a member or employee;
2. a corporation in which he/she is an officer, director or employee;
3. a corporation in which he/she, directly or indirectly, owns or controls five percent (5%) or more of the stock;
4. a contract between the district and his/her spouse, minor child or dependents, except for an employment contract.

Code of Ethics

1. Gifts: A Board member, officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$ \$75 or more from any group, entity, or individual whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her in the performance of his or her official duties, could reasonably be expected to

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influence him or her in the performance of official duties, or was intended as a reward for any official action on his or her part.

However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members. Gifts from children that are principally sentimental in nature or of insignificant financial value may be accepted in the spirit in which they are given.

2. Confidential Information: A Board member, officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her interest. In addition, he/she shall not disclose information regarding any matters discussed in an executive session of the Board or Audit Committee whether such information is deemed confidential or not. All discussions held in a properly convened executive session shall be deemed confidential and may not be disclosed unless the majority of Board of Education members deems disclosure to be appropriate.
3. Representation before the Board or District: A Board member, officer or employee shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the school district.
4. Disclosure of interest in matters before the Board: A Board member, officer or employee of the district, whether paid or unpaid, must, to the extent that he or she knows of, publicly disclose the nature and extent of any interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), to the governing body and his/her immediate supervisor (where applicable) even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under §803(2) of the General Municipal Law. The term "interest" is defined above.
5. Investments in conflict with official duties: A Board member, officer or employee shall not invest or hold any investment directly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties. Exceptions to the conflict of interest law can be found in §802 of the General Municipal Law.
6. Private Employment: A Board member, officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.
7. Involvement with Charitable Organizations: A Board member, officer or employee may be involved as a volunteer, officer or employee in a charitable organization which has a relationship with the District. If a Board member is a board member, officer or employee of the charitable organization, the Board member must disclose such relationship in writing to the district, and the Board member must recuse himself or herself from any discussions or votes relating to the charitable organization which

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may come before the Board. When participating in the activities of the charitable organization, the Board member, officer or employee shall not disclose any confidential information learned in the course of his or her official duties or use such information to further personal interests. Additionally, the Board member, officer or employee shall not make representations on behalf of the district unless specifically authorized to do so by the Board.

8. Use of District Supplies, Materials, Equipment and Other Property: No Board member, officer or employee shall remove or cause to be removed from premises owned, used or controlled by the District any supplies, materials, equipment or other property which is owned, leased or otherwise under the dominion and control of the District, except as is authorized, in writing, by an officer or administrator of the district, as designated by the Superintendent of Schools.
9. Promotion of Religious Beliefs: Pursuant to the first amendment of the United States Constitution's mandate of separation of Church and State, a Board member, officer, or employee of the School District shall not use his or her position to promote religious beliefs.
10. Personal Injury - Property Damage: Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the District or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.
11. Paid Tutoring by District Staff: No professional or support staff member employed by the School District will provide remedial tutoring in any subject area for private payment (remuneration) for any student for which he/she has responsibility for in-school instruction. No professional or support staff member will solicit for the purpose of providing tutoring services.

Remuneration and Reimbursement (Gifts or Awards to Retiring Board Members): It shall be the policy of the Board of Education to make no formal presentation of gifts or commemorative scrolls to retiring members of the Board. However, it is within the purview of the Board of Education to send a letter of appreciation.

Distribution of Code of Ethics

The Superintendent of Schools shall cause of a copy of this Code of Ethics to be distributed to every member of the Board of Education, every officer and employee of the school district. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his or her office or employment. In addition, the Superintendent of Schools shall ensure that a copy of Article 18 of the General Municipal Law shall be kept posted in each public building under the district's jurisdiction in a place conspicuous to the district's officers and employees.

Penalties

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_____ In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Cross Ref

Ref: General Municipal Law §§801 et
seq 8 NYCRR §19.5

Adoption Date: