

Mount Pleasant Cottag School Union Free School District

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL

The Board of Education adopts the following Code of Ethics setting forth for the guidance of its members, officers and employees the standards of conduct that are reasonably expected of them. More specifically, such code shall provide standards of conduct of members, officers and employees regarding confidentiality and conflicts of interest.

I. STATUTORY CONFLICTS OF INTEREST

It shall be 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 or demand against the School District or account or agreement with the School District, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year.

“**Interest**” is defined as a direct or indirect benefit that runs to the board member, officer or employee as a result of a contract with the School District.

A board member, officer or employee is deemed to have an “interest” in:

1. a firm, partnership or association in which he or she is a member or employee;
2. a corporation in which he or she is an officer, director or employee; or
3. a corporation in which he or she directly or indirectly owns or controls 5% or greater of the outstanding shares.
4. A board member, officer or employee also is deemed to have an “interest” in a contract between the district and his/her spouse, minor child or dependents, except for an employment contract entered into between the School District, a spouse, minor child or dependent of a board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

Personal interests which are **prohibited** by law include:

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

1. Interest in a contract with the School District where a Board member has the power or may appoint someone who has the power to negotiate, authorize or make payment or audit bills or claims under the contract, unless otherwise exempted by exception under law; and
2. Interest by a Chief School Officer, Treasurer or his/her Deputy or employee in a Bank or other financial institution that is used by the School District he or she serves, unless otherwise exempted by exception under law.

In order for a school board to enter into an enforceable contract where a board member, officer or employee of the School District has a prohibited conflict of interest which is not exempted by an exception to the law, the affected member, officer or employee must resign from his/her office or employment prior to the time that the board takes action upon the contract.

Exceptions

A board member, officer or employee shall be deemed not to have a conflict of interest in any of the exceptions listed in §802 of the General Municipal Law, including:

1. Contracts with membership corporations or other voluntary not-for-profit corporations or associations (e.g. Taylor Law collectively negotiated agreements, contract with a not-for-profit health services organization) - are exempt from the conflict of interest rules. No board member is prohibited from voting on collectively negotiated agreements which are applicable to his/her spouse or children;
2. Appointment of a teacher as defined in §3016 of the Education Law, who is a relative or spouse of a Board member, is permitted upon a two-thirds super majority vote, without limiting any Board member's right to vote.
3. The employment of a Board member as School Physician is permitted upon a two-thirds vote of the Board.

SUBJECT: C ODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

4. Contracts entered into by the district with a person who is subsequently elected or appointed to the Board, a School District office or employment remain valid, except the contract may not thereafter be renewed.
5. A contract with a corporation of which the interest of the Board member, officer or employee, by reason of stockholding, is less than 5% of the outstanding shares.
6. Contracts between the School District and a Board member, officer or employee in which the total amount does not exceed \$750.00 in any fiscal year.
7. Where application of the conflict of interest rules would necessitate the engagement of a bank or trust company outside of the municipality or school district, the board may designate a bank or trust company in which the board president, treasurer or deputy treasurer has an interest in such entity. The designation shall be as a depository, paying agent or registration agent for the investment of funds.
8. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest prohibited solely by reason of employment as an officer or employee of such other entity, if their compensation will not be directly affected as a result of the contract with the municipality or school district and duties do not directly involve the procurement, preparation or performance of any part of the contract.
9. The designation of a newspaper, including an official newspaper, for the publication of notices, resolutions or other proceeding where publication is otherwise required or authorized by law.
10. The purchase of real property or any interest therein when approved upon a petition to the State Supreme Court by the board of education.
11. Acquisition of real property or an interest in real property through eminent domain proceedings.
12. Sale of bonds and notes pursuant to §60.10 of the Local Finance Law.

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

Disclosure Requirements

Board members, officers and employees must publicly disclose the nature and extent of any non-excepted 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), 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 an exception exempted under General Municipal Law §802; however, board members, officers and employees are encouraged to voluntarily make such disclosure.

If a board member is legally permitted to vote on a matter, but the matter is subject to disclosure by statute, or if the board member chooses to voluntarily disclose an excepted interest, the affected board member may request to be the last member called to vote on such matter.

II. OTHER PROHIBITED ACTIVITIES

No **board member**, officer or employee shall:

1. Use or attempt to use his or her official position to secure unwarranted privileges or exemptions for such officer or employee or others.
2. By his or her conduct give reasonable basis for the impression that any person can improperly influence such officer or employee or unduly enjoy special favor in the performance of official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
3. Be in receipt of information regarding the District, its officers, employees or agents, that involves allegations of criminal activity, other wrongdoing, or that may adversely affect District operations and not report such information to the Board President or Superintendent of Schools, who shall be obligated to report such information to the Board of Education at its next Board meeting.

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

III. BOARD MEMBER TRAINING

1. Board members elected or appointed for a term beginning on or after July 1, 2005 shall, within the first year of their term, complete a minimum of six hours of training on fiscal oversight, fiscal and other accountability and fiduciary responsibilities of a school board member from an authorized provider of such training.
2. Board members elected or appointed for a first term beginning on or after July 1, 2011 shall, within the first year of their term, complete a training course on the powers, functions and duties of school boards, and the powers and duties of other governing and administrative authorities affecting education.
3. The mandatory Board member trainings may be taken together as a single course or separately.
4. Each affected Board member must file a certificate of completion of such course or courses issued by the provider with the District Clerk.

IV. CONFIDENTIALITY REQUIREMENTS FOR BOARD MEMBERS

Board members, officers or employees are prohibited from disclosing confidential information acquired by them in the course of their official duties or using such information to further their personal interests. Board members, officer and employees who are privy to the Board packet materials that contain opinions, recommendations and/or evaluations shall not further disclose the contents of same. In addition, board members, officers and/or employees may not disclose the following matters discussed in executive session or as contained in Board informational materials issued by the Superintendent:

- X Matters which will imperil the public safety if disclosed.
- X Matters which may disclose the identity of a law enforcement agency or informer.
- X Information relating to a current or future investigation or prosecution of a criminal offense.
- X Discussion regarding proposed, pending or current litigation.

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

- X *Collective negotiations under the Taylor Law.*
- X The medical, financial, credit or employment history of a particular person *or* corporation, *or* matters leading to the appointment *or* employment *or* promotion *or* demotion *or* discipline *or* suspension *or* removal of a particular person *or* corporation.
- X The preparation, grading or administration of examinations.
- X Proposed acquisition, sale or lease of real property, securities, only when publicity would substantially affect the value thereof.
- X Student records pursuant to the Family Educational Rights and Privacy Act (FERPA).
- X Matters subject to the attorney-client privilege.

Upon the approval of a quorum of the board at a publicly conducted open meeting, matters discussed in executive session may be disclosed, except for those matters where individual privacy rights protected by statute or regulations would be violated (e.g. student records privacy rights, health/medical privacy rights, etc.).

V. COMPATIBILITY OF OFFICES

Section 2103 of the Education Law prohibits the following office holders to also hold the office of Board of Education member:

- X District Superintendent
- X Treasurer
- X School Tax Collector
- X Librarian
- X Village Zoning Board of Appeals Member
- X Town Supervisor
- X District Attorney
- X Private School Board Member of a school located within the public school district
- X County Elections Commissioner

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

Not more than one member of a family sharing the same household shall be a member of the same board of education in any school district.

No employee of a board of education may be a member of such board.

VI. GIFTS

No board member, officer or employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of \$75.00 or more under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part. If a board member, officer or employee receives any gift having a value of \$75.00 or more, such gift shall be returned.

VII. VOIDING OF CONTRACTS

Contracts willfully entered into in violation of Article 18 of the General Municipal Law regarding conflicts of interest are deemed void.

VIII. VIOLATIONS AND CONSEQUENCES

Bases for Removal

A board member may be removed from office for violating their oath of office and/or neglecting their duty.

The willful violation of Article 18 of the General Municipal Law is a misdemeanor and may also result in the Board member's removal from office.

A board member may be removed from office upon the grounds of official misconduct for attempting to take official action on behalf of the board when such action is not authorized by statute, regulation or decisional law.

Pursuant to §2109 of the Education Law, a board member who refuses or neglects to attend three successive board meetings of which he or she was duly notified, without offering a good and valid excuse to the other members, may be removed from office.

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

The vacating of office must be formalized by a board resolution declaring the same vacated.

If a board member discloses to any other party any confidential information acquired by him/her in the course of his/her official duties, including confidential matters, executive session restricted information as described in Point II above, or such information as presented in the Superintendent's informational Board packets, or uses such information to further his/her personal interests, the Board may initiate a removal hearing upon the grounds of official misconduct or file a petition to the Commissioner of Education to have the member removed from office.

Board members shall be entitled to present questions regarding the confidential nature of information, in light of this policy to the school district's attorneys for a written opinion that will be made available to all members of the board. Such opinion must be solicited through the Board of Education President or in his/her absence through the Board of Education Vice President.

The willful receipt and retention of a gift having a value of \$75.00 or more may result in removal from the Board.

A board member may be removed for slapping, punching and/or assaulting another board member during a board meeting for official misconduct.

A board member may be removed for failure to timely notify the Board President or Superintendent of Schools of the receipt of information regarding the District, its officers, employees or agents, that involves allegations of criminal activity, other wrongdoing, or that may adversely affect District operations.

A board member's seat automatically becomes vacant for failing to file the signed oath of office¹ card with the board clerk within thirty days after the commencement of the term of office, or within thirty days of notice of appointment to an appointive office.

A board member may be removed for failure to complete the minimum six hours of fiscal training and/or the training regarding the powers, functions and duties of boards of

¹ I do solemnly affirm and declare that I will support the Constitution of the United States of America and the Constitution of the State of New York, that I will faithfully discharge the duties of the office of board of education member according to the best of my ability.

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

education and the duties of other governing and administrative authorities affecting public education, and to file the Certificate(s) of Completion of the course(s) with the District Clerk.

A person removed from a school district office shall be ineligible to appointment or election to any district office for a period of one year from the date of removal.

Board Member Removal Process

In accordance with Education Law §1709(18), whenever a board member has been found guilty of any official misconduct following a hearing before the board he or she may be subject to removal by board resolution. The hearing before the Board shall be conducted by a legally trained hearing officer who shall assist in the preparation of findings of fact and conclusions of law. Any board member subject to removal proceedings shall be entitled to a type written transcript at no cost. In the event of a Board determination to remove a member from the Board, there is a right to appeal to the Commissioner of Education.

In accordance with §306 and/or §1706 of the Education Law, the board may petition the Commissioner of Education for the removal of a board member guilty of any willful violation or neglect of duty of the Education Law or any other act pertaining to school districts and/or willful disobedience of any lawful requirement of the Commissioner of Education, or a want of due diligence in obeying such requirement

In accordance with §1709(18), a board of education or, upon petition, the Commissioner of Education may remove a member, however, neither has the authority to censure or reprimand a member.

Discipline of Other Officers and Employees

An officer, other than a Board member, or an employee may be subject to disciplinary action, including reprimand, fine, suspension or termination of employment, in accordance with due process of law, if applicable, for violating this policy.

IX. DISTRIBUTION, FILING AND POSTING REQUIREMENT

The Superintendent of Schools shall distribute to every board member, officer and employee in the School District the code of ethics.

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL (Cont'd.)

The District's code of ethics shall be filed in the State Comptroller's Office annually.

In accordance with §807, General Municipal Law, the Superintendent of Schools must ensure that a copy of Article 18, General Municipal Law is posted in each school building in a conspicuous place.

Adopted: 4/19/16