

CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

I. Statement of Policy

The District must act as a careful steward of the resources given to us by the community for the education of our children. Observing ethical standards of conduct promotes public confidence in the District and its officers and employees.

The standard of conduct expected of every District officer and employee is that they will not engage in any conduct that calls into question the integrity of the management or operation of the District. The specific examples of conduct that violates this Code of Ethics which are set forth below are illustrative, and not exhaustive.

II. Scope of Policy

A. Positions to Which the Policy Applies

This Code of Ethics governs the conduct of members of the Board of Education, all District officers, whether paid or unpaid, and all District employees to include individuals working on a volunteer basis for the District.

B. Statutory Obligations

The Board has adopted this Policy to meet its obligation under General Municipal Law Section 806. All District officers and employees are reminded that they may be subject to civil or criminal penalties for conduct that violates Article 18 of the General Municipal Law.

The Board may conclude that a person's conduct violates the general standard of conduct required in Part I of this Policy, even if that conduct is not considered a violation of the General Municipal Law; however, nothing in this Policy shall be interpreted to permit any conduct that is prohibited by the General Municipal Law.

C. Reservation of Rights

It shall not be a violation of this Policy for a present or former officer or employee of the District to file on their own behalf, or on behalf of a family member, a claim, account, demand or suit against the District arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

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III. Consequences of Unacceptable Conduct

If the conduct of a Board member or other officer fails to adhere to this Code of Ethics, the Board member or officer may be subject to removal from the Board. If the conduct of an employee fails to adhere to this Code of Ethics, the employee will be subject to adverse employment action, including possible termination of employment, following procedures consistent with any applicable employment contract, collective bargaining agreement, or statute.

IV. Standards of Conduct

A. Gifts Worth \$75 or More

No officer or employee shall solicit or accept or receive a gift, directly or indirectly, under circumstances where it can reasonably be inferred that the gift was intended: (1) to influence them in the performance of their official duties, or (2) as a reward for any official action on their part. Among the prohibited gifts are money, services, loans, travel, entertainment, hospitality, and promises. This prohibition does not apply to gifts having a value less than \$75.

B. Confidential Information

No officer or employee shall disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.

C. Services to Parties Coming Before the Board

No officer or employee may receive compensation for rendering any services to an outside party with a matter before the Board; nor may they enter into an express or implied agreement to receive such compensation. These prohibitions apply to agreements whether or not the compensation is to be contingent upon the Board or the District administration taking, or not taking, a particular action.

D. Conflicts of Interest

1. *Definition of "Interest"*: An officer or employee has an interest in a transaction or contract if that person may experience a monetary or material gain or loss, based on the outcome of the contract award or transaction, whether the gain or loss is direct or indirect. An officer or employee is considered to have an interest in a transaction or contract if the contract or transaction is with: (a) that person's spouse, minor child, or

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dependent, except a contract of employment with the District which such officer or employee serves (b) a firm, partnership, or association of which that person is a member or employee, or (c) a corporation of which that person is a director, officer, or employee, or of which that person owns or controls any stock.

2. *General Rule:* No officer or employee shall have an interest in any contract to which the District is a party, or in any other matter coming before the Board for action, if that individual's duties include: (a) negotiation, preparation, or approval of the contract or payment under the contract, (b) auditing bills or claims made under the contract, or (c) appointing someone who does any of those things. No chief fiscal officer or treasurer, or their deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or investor of funds of the District.
3. *Exceptions:* The situations described in Section 802 of the General Municipal Law shall not be considered violations of this Code of Ethics.
4. *Disclosure of Interests:* Any officer or employee of the District who has an actual or potential interest, or whose spouse has an actual or potential interest, in any proposed or existing contract to which the District is a party, or other matter coming before the Board for action, must disclose the nature and extent of their interest to the Board, in writing, as soon as that person has knowledge of the circumstances. This disclosure shall be made a part of the Board's minutes.

E. Investment Conflicts

No officer or employee shall invest or hold any investment directly in any financial, business, commercial, or other private transaction that creates a conflict with their official duties.

F. Employment Conflicts

No officer or employee shall hold, seek, or promise to take employment that creates a conflict with, or impairs the proper discharge of, their duties and responsibilities at the District.

G. Post-Service Conflicts

After an officers or employees service with the District has ended, that person may not appear before the Board, or any panel or committee of the Board, in

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relation to any matter in which they had participated as an officer or employee of the District. Where a conflict of interest exists see Section IV. D. of this policy. This provision should only apply to one year post service with the District.

V. Procedure for Seeking an Opinion Involving the Code of Ethics

In those instances where an officer or employee has questions as to whether their actions or involvement in a particular matter may constitute or cause a question as to a potential conflict of interest, that officer or employee may contact the Superintendent or his/her designee for guidance on the issue.

VI. Distribution of Code of Ethics

As part of the Superintendent's general responsibility for implementation of Board Policy, the Superintendent shall ensure that: (1) each officer (including Board members) and employee of the District receives a copy of this Code of Ethics before entering into their duties, and (2) a copy of Article 18 of the General Municipal Law is posted in each building under the control of the District in a place conspicuous to District officers and employees.

Mount Markham Central School District

Legal Ref: General Municipal Law Sections 800-80

Adopted: 08/12/03

Revised: 10/14/14, 12/11/18