

SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

The Board of Education recognizes that sound, ethical standards of conduct serve to increase the effectiveness of school board members and employees as educational leaders in their community. Adherence to a code of ethics also promotes public confidence in the schools and furthers the attainment of district goals. The Board also recognizes its obligation to set forth a code of ethics under the provisions of the General Municipal Law.

The district code of ethics should outline the expectations of acceptable conduct by a Board of Education member and all employees of the district. Any action by a Board of Education member or district employee considered to be conduct unbecoming of a professional either by New York State Education Standards or General Municipal Law will be considered a violation of this code of ethics.

In pursuit of these goals, be it enacted by the Board of Education of the Broadalbin-Perth Central School as follows:

Section 1

Pursuant to the provisions of section eight hundred six of the general municipal law, the Board of Education of the Broadalbin-Perth Central School recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this local law to promulgate these rules of ethical conduct for the officers and employees of the Broadalbin-Perth Central School. These rules shall serve as a guide for official conduct of the officers and employees of the Broadalbin-Perth Central School. The rules of ethical conduct of this local law as adopted, shall not conflict with, but shall be in addition to any prohibition of article eighteen of the general municipal law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. Definition

- (a) "Municipal Officer or Employee" means an officer or employee of the Broadalbin-Perth Central School, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of

being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

- (b) “Interest” means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires. “Interest” also means a pecuniary or material benefit accruing to the municipal officer’s or employee’s (1) spouse, minor children and dependents; (2) a firm, partnership or association of which such officer or employee is a member or employee; (3) a corporation of which such officer or employee is an officer director or employee and (4) a corporation any stock of which is accrued or controlled directly or indirectly by such officer or employee.

Section 3. Standards of Conduct

Every officer or employee of the Broadalbin-Perth Central School shall be subject to and abide by the following standards of conduct:

- (a) Gifts – The Board Member shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of seventy-five dollars or more, 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 could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.
- (b) Confidential Information – The Board Member shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his/her personal interest.
- (c) Representation before one’s own agency – The Board Member shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which the Board Member has the power to appoint any member, officer or employee.
- (d) Representation Before any Agency for a Contingent Fee – The Board Member shall not receive or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality. Whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- (e) Disclosure of Interest in Legislation – To the extent that the Board Member knows thereof, the Board Member and any officer or employee of the Broadalbin-Perth Central School, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any legislation before the Board of Education shall publicly

- disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- (f) Investments in conflict with official duties. The Board Member or employee shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict of interest with his/her official duties.
 - (g) Private employment. The Board Member or employee shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
 - (h) Future employment. The Board Member or employee shall not, after the termination of service or employment with the School District, appear before any board or agency of the Broadalbin-Perth Central School in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment of which was under his/her active consideration.
 - (i) 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 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.

Section 4

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board Member or employee of any claim, account, demand or suit against the Broadalbin-Perth Central School 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.

Section 5 Distribution/Posting of Code of Ethics

The Superintendent shall cause a copy of this code of ethics to be distributed to every Board Member and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board Member or employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of this policy to be posted in each building in the District in a place

conspicuous to its employees. Failure to distribute a copy of this code of ethics or failure of a Board Member or employee to receive such copy, as well as failure to post any copy of the policy shall have no effect on the duty of compliance, nor with the enforcement of the provisions thereof.

Section 6 Penalties

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 this policy may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

Ref: General Municipal Law §§806-808
Opn. St. Comp. 2008-01