

SCHOOL DISTRICT OFFICER AND EMPLOYEE CODE OF ETHICS

The Bethlehem Central Schools Board of Education (the Board) 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 District. The Board 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 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 or demand against the District or account or agreement with the District, whether expressed or implied, that exceeds the sum of \$750.00 in any fiscal year.
- An “*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 District.

No Board 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 5 percent or more of the stock;
4. a contract between the District and his/her spouse, minor child, or dependents, except for an employment contract between the 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.

Code of Ethics

- A. *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, 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 or was intended as a reward for any official action on his or her part. Supplemental guidance on this will be distributed to the staff annually.

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, and of insignificant financial value, may be accepted in the spirit in which they are given.

- B. *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 personal interest. This includes matters discussed in executive session. However, the Board, acting as a whole, may decide to disclose such information where disclosure is not prohibited under the law.
- C. *Representation before the Board or District:* A Board member, officer, or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the District.
- D. *Disclosure of interest in matters before the Board:* A Board member, officer, or employee of the District, whether paid or unpaid, must 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 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 District. Disclosure is not required in the case of an interest that is exempted under Section 803(2) of the General Municipal Law. The term “interest” means a pecuniary or material benefit accruing to an officer or employee.
- E. *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 Section 802 of the General Municipal Law (see 2160-E.1).
- F. *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.
- G. *Future employment:* A Board member, officer, or employee shall not, after the termination of service or employment with the District, appear before the Board in relation to any action, proceeding, or application in which he or she personally participated during the period of his or her service or employment or that was under his or her active consideration.
- H. *Involvement with charitable organizations:* A Board member, officer, or employee may be involved as a volunteer, officer, or employee in a charitable organization that 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 that 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 or the interests of the charitable organization. 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.

Distribution and Training

The superintendent shall cause a copy of this Code of Ethics to be distributed to every member of the Board, and every officer and employee of the 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. The District will provide annual training for officers and employees on its Conflict of Interest (Policy # 9120.1) and Code of Ethics (Policy # 2160) policies, emphasizing the obligation to perform duties with integrity and impartiality.

Reporting Concerns

Each Board member, officer, or employee has a responsibility to disclose potential conflicts and any situation that might raise an inference of impropriety.

Any person who seeks to report a potential conflict of interest or violation of the Code of Ethics should contact a supervisor, the chief business and financial officer, the director of human resources, or the superintendent.

Once a potential conflict is brought to the attention of a supervisor, the chief business and financial officer, the director of human resources, or the superintendent, he or she shall maintain a written record evaluating the potential conflict and, where appropriate, the reasonable steps taken to minimize the risk of undue bias.

Penalties

In addition to any penalty contained in any other provision of law, any Board member, officer, or employee who shall knowingly and intentionally violate any of the provisions of the Board's Code of Ethics may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

Cross-ref: 9120.1, Conflict of Interest

Ref: General Municipal Law §§806-808
Opn. St. Comp. 2008-01
Application of the Board of Education, 57 EDR Dec. No. 17,147 (2017)
Application of Nett and Raby, 45 EDR 259 (2005)

Adoption date: June 19, 2002
Revised date: January 7, 2004
Revised date: May 18, 2016
Revised date: May 22, 2019