

VALLEY STREAM UNION FREE SCHOOL DISTRICT TWENTY-FOUR

BOARD MEMBER, SCHOOL DISTRICT OFFICERS AND EMPLOYEE CODE OF ETHICS AND CONFLICTS OF INTEREST Policy 8250

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any Board of Education 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 the School District's 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 School 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 of Education members, School District officers, and employees under the provisions of the General Municipal Law. Therefore, every Board of Education member, officer and employee of the School 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 of Education member, officer or employee of the School District 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 School 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 School 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 School 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 School District and his/her spouse, minor child or dependents, except for an employment contract.

Code of Ethics

1. Gifts: A Board of Education member, officer or employee of the School District 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

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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 of Education 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 of Education member, officer or employee of the School District 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 of Education 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 of Education or School District: A Board of Education member, officer or employee of the School District 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 of Education: A Board of Education member, officer or employee of the School 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 of Education member, officer or employee of the School District 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. Contracts supported by a Federal award: No Board of Education member, officer, employee or agent of the School District may participate in the selection, award or administration of a contract supported by a federal award if he or she has an interest in the contract. Interest for the purposes of contracts supported by federal awards shall mean

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where the Board of Education member, officer or employee of the School District, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ an immediate family member, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. No Board of Education member, officer or employee of the School District may solicit or accept gratuities, favors or anything of monetary value from contractors or subcontractors.

7. Private Employment: A Board of Education member, officer or employee of the School District 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.
8. Future Employment: No member of the Board of Education, nor employee of the School District shall, after the termination of service or employment with the School District, appear before the Board of Education 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.
9. Involvement with Charitable Organizations: A Board of Education member, officer or employee of School District may be involved as a volunteer, officer or employee in a charitable organization which has a relationship with the School District. If a Board of Education member is a board member, officer or employee of the charitable organization, the Board of Education member must disclose such relationship in writing to the School District, and the Board of Education member must recuse himself or herself from any discussions or votes relating to the charitable organization which may come before the Board of Education. When participating in the activities of the charitable organization, the Board of Education member, officer or employee of the School District 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 of Education member, officer or employee of the School District shall not make representations on behalf of the School District unless specifically authorized to do so by the Board of Education.
10. Use of School District Supplies, Materials, Equipment and Other Property: No Board of Education member, officer or employee of the School District shall remove or cause to be removed from premises owned, used or controlled by the School District any supplies, materials, equipment or other property (excluding items required to carry out professional duties) which is owned, leased or otherwise under the dominion and control of the School District, except as is authorized, in writing, by an officer or administrator of the School District, as designated by the Superintendent of Schools.
11. Promotion of Religious or Political Beliefs: Pursuant to the first amendment of the United States Constitution's mandate of separation of Church and State, a Board of Education

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member, officer, or employee of the School District shall not use his or her position to promote religious beliefs. In addition, a Board of Education member, officer or employee of the School District shall not use his or her position to promote his/her political views.

12. 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 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.
13. Paid Tutoring by School 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.
14. Recognition of Retiring Board of Education Members, School District Employees or Volunteers): The Board of Education may choose, from time to time, to acknowledge retiring Board of Education members, employees of the School District, and/or volunteers. The Board of Education may provide gifts which are nominal in value in connection with said acknowledgement.
15. Soliciting Funds from and by school personnel: Because fund raising diverts time, energy and attention from the educational process, the Board of Education will not approve any request from staff members to engage or participate in non-school related fund raising activities during the school day regardless of their merit. It shall not, however, preclude employees from participating in properly recognized School District sponsored fund raising activities nor from participating in employee sunshine or bereavement funds, etc.
16. Master's/Doctoral Research by Employees: The Board of Education recognizes the importance of the advancement of the education of its employees. A School District employee who is actively pursuing a doctoral or master's degree and wishes to conduct research in connection with his/her doctoral or master's degree studies will be required to submit a proposal to the Superintendent of Schools for approval concerning research, including research which involves student data. Under no circumstances will employees be permitted to utilize students currently enrolled in the School District as participants for research to be conducted in connection with their pursuit of a master's/doctoral degree.

Conflicts of Interest Prohibited

The Board of Education is committed to avoiding situations in which the existence of simultaneous, conflicting interests in any officer or employee may call into question the integrity of the management or operation of the School District. It is in the School District's best interest to:

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1. avoid conflicts of interest between work-related and family-related obligations;
2. reduce favoritism or even the appearance of favoritism; and
3. prevent family conflicts from affecting the workplace.

No person who is related by blood or marriage to any member of the Board of Education shall be employed as a teacher in the School District, except upon the consent of 2/3 of the members of the Board of Education (In the case of a board of education comprised of five (5) members, the consent of four (4) members would be required). In connection with employment in the School District in positions other than teaching positions, the Board of Education will not hire the father, mother, brother, sister, husband, wife, domestic partner, son, daughter, or in-law ("immediate family") of a member of the Board of Education during their term of office except by a 2/3 vote of the Board of Education.

No Board of Education member or any other person employed by the School District shall supervise, evaluate, vote to promote, or initiate discipline against, any employee who is a relative of the Board of Education member or employee of the School District, as defined below. Additionally, no relative of any employee or a Board of Education member shall be hired if the interest of either the relative and the employee or the relative and the School District would be in conflict or if the hiring of the relative could result in a conflict of interest with existing vendors of the School District. In the event that marriage, promotion, reorganization or other similar occurrence results in a situation not in compliance with this policy, reassignment, transfer or other appropriate action will be undertaken to ensure compliance with this policy, consistent with applicable provisions of any relevant collective bargaining agreement, except the employee may not be terminated solely by reason of said marriage, promotion, reorganization or other similar occurrence.

Relatives shall be defined as spouses, domestic partners (as defined below), sons, daughters, sisters, brothers, fathers, mothers, aunts, uncles, nieces, nephews, brothers-in-law, sisters-in-laws, sons-in laws, daughters-in-law, fathers-in-law and mothers-in-law.

Domestic partners shall be defined as same or opposite sex partners with whom they resided with for at least six months, have a committed, long term relationship of mutual support, and for whom they have assumed long term financial responsibility or have mutual financial responsibility.

No person employed by the School District shall negotiate or execute any vendor contract on behalf of the School District for the purchase, sale or lease of real or personal property, services of any nature, or for insurance, without first having determined the common price for such property, services or insurance, or requesting bids from all potential providers of the property, services or insurance.

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No person employed by the School District shall allow any matter, concern or interest, personal, financial or otherwise, to influence or interfere with the performance of his or her duties. Should such a matter, concern or interest arise, the employee shall bring the matter to the attention of his or her supervisor to seek ways to reduce or eliminate the influence or interference.

The Board of Education affirms its commitment to adhere scrupulously to all applicable provisions of law regarding material conflicts of interest.

Knowing or willful violation of this policy by any employee may result in disciplinary action up to and including dismissal.

Any officer, employee or member of the public noting or suspecting a violation of this policy is encouraged to bring the matter to the Board of Education or the Superintendent of Schools. In the event of a suspected violation of this policy by the Superintendent of Schools or an individual member of the Board, the matter should be referred directly to the Board of Education via the District Clerk or the Board President. In the event of a suspected violation of this policy by the Board president, the matter should be referred directly to the Board of Education via the District Clerk or the Board Vice President. If necessary and upon consultation with counsel, an independent investigatory may be utilized to investigate allegations of a violation of this policy by the Board of Education or the Superintendent of Schools.

If the relative of an employee becomes elected to the Board of Education, the employee's employment with the School District shall not be negatively affected, nor shall special consideration be given, because of his/her relationship to the person serving on the Board of Education.

If employees become relatives, as defined above, after both employees are hired by the School District, the employees shall not thereafter work in any position or location where a direct line of supervision exists between them.

Distribution of Code of Ethics

The Superintendent of Schools shall distribute a copy of this Code of Ethics to all members of the Board of Education and all employees of the School District. Each member of the Board of Education and employee elected or appointed thereafter shall be given a copy of the Code of Ethics upon his or her election to the Board of Education or employment by the School District. 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 school building located in the School District in a conspicuous place.

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 of Education'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: 1313 Gifts
1108 Community Use of Facilities

Ref: NYS Constitution VIII, Section 1
General Municipal Law §§801-813
Education Law §§ 410, 3016
8 NYCRR §19.5
Labor Law § 201-d
2 C.F.R. § 200.318
Opn. St. Comp. 2008-01
Dykeman v. Symonds, 54 AD2d 159 (4th Dep't 1976)
Appeal of Rivers, 60 Ed Dept Rep, Dec. No. 17,989 (2021)
Application of the Board of Education, 57 Ed Dept Rep, Dec. No. 17,147 (2017)
Application of Nett and Raby, 45 Ed Dept Rep 259, Dec. No. 15,315 (2005)

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