

CODE OF ETHICS OF THE VOORHEESVILLE CENTRAL SCHOOL DISTRICT

SECTION 1. PURPOSE OF CODE OF ETHICS.

Officers and employees of the Voorheesville Central School District hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Voorheesville Central School District recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. Pursuant to General Municipal Law § 806, this Code of Ethics establishes those standards.

SECTION 2. DEFINITIONS.

- A. **“Board”** means the Board of Education of the Voorheesville Central School District.
- B. **“Code”** means this Code of Ethics.
- C. **“District”** means Voorheesville Central School District.
- D. **“District officer or employee”** means a paid or unpaid officer or employee of the District, including, but not limited to the members of the Board.
- E. **“Interest”** means a direct or indirect financial or material benefit accruing to a District officer or employee unless the context otherwise indicates, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the District or an area of the District, or a lawful class of such residents or taxpayers.
- F. **“Relative”** means a spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a District officer or employee, and individuals having any of these relationships to the spouse of the District officer or employee.

SECTION 3. APPLICABILITY.

This Code applies to District officers and employees and shall supersede any prior Code of Ethics. The provisions of this Code shall apply in addition to all applicable federal, state and local laws relating to conflicts of interest and ethics (including, but not limited to, Article 18 of the General Municipal Law) and all rules, regulations, policies and procedures of the District.

SECTION 4. STANDARDS OF CONDUCT.

Every District officer and employee shall be subject to, and shall abide by, the following standards of conduct.

A. Gifts.

- (1) For purposes of this section, a “**gift**” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars (**\$75.00**) must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.
- (2) No District officer or employee shall solicit, accept or receive a gift in violation of Section 805-a(1)(a) of the General Municipal Law, as interpreted by this Code.
- (3) No District officer or employee may directly or indirectly solicit any gift.
- (4) No District officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars (**\$75.00**) or more when:
 - (a) The gift reasonably appears to be intended and/or reasonably could be expected to influence the District officer or employee in the exercise or performance of his or her official powers or duties; or
 - (b) The gift is intended as a reward for any official action on the part of the officer or employee.
- (5)
 - (a) A gift to a District officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks District action involving the exercise of discretion by or with the participation of the District officer or employee.
 - (b) A gift to a District officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained District action involving the exercise of discretion by or with the participation of the District officer or employee during the preceding twelve months.
- (6) This section does not prohibit any other gift, including:
 - (a) Gifts made to the District;
 - (b) Gifts from a person with a family or personal relationship with the District officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient’s status as a District officer or employee, is the primary motivating factor for the gift;

- (c) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable, and customary;
- (d) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- (e) Awards and plaques having a value of seventy-five dollars (***\$75.00***) or less which are publicly presented in recognition of service as a District officer or employee, or other service to the community; or
- (6) Meals and refreshments provided when a District officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

B. Confidential Information.

No District officer or employee may 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 interests. This section does not prohibit the disclosure or use as required by law or in the course of exercising or performing his or her official powers and duties.

C. Investments in Conflict with Official Duty.

A District 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.

- (1) Examples of investments that will create a conflict for purposes of this Section include but are not limited to:
 - (a) Investments that can be reasonably expected to require more than sporadic recusal and abstention under Section 6 of this Code; or
 - (b) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (2) This Section does not prohibit a District officer or employee from acquiring any other investments or the following assets:
 - (a) Real property located within the District and used as his or her personal residence; or
 - (b) Less than five percent (5%) of the stock of a publicly traded corporation.

D. Representation Before the District.

- (1) A District officer or employee 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 District.
- (2) A District officer or employee 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 District, whereby the compensation is to be dependent or contingent upon any action by the District with respect to such matter, provided, however, that the foregoing shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Private Employment in Conflict with Official Duties.

No District officer or employee may engage in, solicit, negotiate for, or promise to accept any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment or service:

- (1) Reasonably can be expected to require more than sporadic recusal and abstention pursuant to Section 6 of this Code;
- (2) Reasonably can be expected to require disclosure or use of confidential information gained by reason of serving as a District officer or employee;
- (3) Violates Section 805-a(1)(c) or (d) of the General Municipal Law; or
- (4) Requires representation of a person or organization other than the District in connection with litigation, negotiations, or any other matter to which the District is a party.

F. Future Employment.

After termination of service or employment with the District, a District officer or employee shall not:

- (1) Appear before the Board, in relation to any case, 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.
- (2) Ask for, pursue or accept a private employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the District officer or employee, either individually or as a member of Board, while the matter is pending or within 30 days following final disposition of the matter.

G. Nepotism.

Except as otherwise required by law:

- (1) No District officer or employee, either individually or as a member of the Board, may participate in any decision specifically to appoint, hire, promote, discipline, or discharge a Relative for any position at, for, or within the District or the Board.
- (2) No District officer or employee may supervise a Relative in the performance of the Relative's official powers or duties.

H. Prohibition on Use of District Position for Personal or Private Gain.

No District officer or employee shall use his or her District position or official powers and duties to secure a financial or material benefit for himself or herself, a Relative, or any private organization in which he or she is deemed to have an Interest.

I. Use of Municipal Resources.

- (1) District resources shall be used for lawful District purposes. District resources include, but are not limited to, District personnel, money, vehicles, equipment, materials, supplies, or other property.
- (2) No District officer or employee may use or permit the use of District resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - (a) Any use of District resources authorized by law or District policy;
 - (b) The use of District resources for personal or private purposes when provided to a District officer or employee as part of his or her compensation; or
 - (c) The occasional and incidental use during the business day of District telephones and computers for necessary personal matters such as family care and changes in work schedule.
- (3) No District officer or employee, shall cause the District to spend more than is reasonably necessary for transportation, meals, or lodging in connection with official travel in accordance with Board Policy 6830-R.

J. Interests in Contracts.

- (1) No District officer or employee may have an Interest in a contract that is prohibited by section 801 of the General Municipal Law.
- (2) Every District officer and employee shall disclose Interests in contracts with the District at the time and in the manner required by Section 5 of this Code and as provided in General Municipal Law § 803.

K. Political Solicitations.

- (1) No District officer or employee shall directly or indirectly compel or induce a subordinate District officer or employee to make, or promise to make, any political contribution, whether by gift of money, service, or other thing of value.
- (2) No District officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status, or compensation of any District officer or employee, or an applicant for a position as a District officer or employee, on the basis of the giving or withholding, or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

SECTION 5. DISCLOSURE OF INTEREST.

- A.*** Whenever a matter requiring the exercise of discretion comes before a District officer or employee, either individually or as a member of the Board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a Relative, or any private organization in which he or she is deemed to have an Interest, the District officer or employee shall promptly disclose in writing the nature of the Interest. Similarly, any District officer who has, will have, or later acquires an Interest in any actual or proposed contract with the District shall publicly disclose the nature and extent of such Interest in writing to the Board as soon as she/he has knowledge of such actual or prospective Interest.
- B.*** The disclosure shall be made when the matter requiring disclosure first comes before the District officer or employee, or when the District officer or employee first acquires knowledge of the Interest requiring disclosure, whichever is earlier.
- C.*** In the case of a person serving in an elective office, the disclosure shall be filed with the District Clerk. In all other cases, the disclosure shall be filed with the Board. Any disclosure shall be made publicly at a Board meeting and must be included in the minutes of the meeting.

SECTION 6. RECUSAL AND ABSTENTION

- A.*** No District officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion (including but not limited to discussion and voting) when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on him or herself, a Relative, or any other private organization in which he or she is deemed to have an Interest.
- B.*** In the event that Section 6 of this Code prohibits a District officer or employee from exercising or performing a power or duty:

- (1) If the power or duty is vested in a District officer as a member of the Board then the power or duty shall be exercised or performed by the other members of the Board.
- (2) If the power or duty is vested in a District officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
- (3) If the power or duty is vested in a District employee, he or she must refer the matter to the Superintendent of Schools, who shall designate another person to exercise or perform the power or duty.

SECTION 7. DISCLOSURE, RECUSAL AND ABSTENTION NOT REQUIRED

- A.** This Code's prohibition on the use of a District position (Section 4(H) of this Code), disclosure requirements, (Section 5 of this Code) and requirements relating to recusal and abstention (Section 6 of this Code) shall not apply with respect to the following:
 - (1) Adoption of the District's annual budget;
 - (2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - (a) All District officers or employees;
 - (b) All residents or taxpayers of the District or an area of the District; or
 - (c) The general public; or
 - (3) Any matter that does not require the exercise of discretion.
- B.** Recusal and abstention shall not be required with respect to any matter:
 - (1) Which comes before the Board when a majority of the Board's total membership would otherwise be prohibited from acting by Section 6 of this Code; or
 - (2) Which comes before a District officer when the officer would be prohibited from acting by Section 6 of this Code and the matter cannot be lawfully delegated to another person.

SECTION 8. PERSONAL REPRESENTATIONS AND CLAIMS PERMITTED

This Code shall not be construed as prohibiting a District officer or employee from:

- A. Representing himself or herself, or his or her spouse or minor children before the District; or
- B. Asserting a claim against the District on his or her own behalf, or on behalf of his or her spouse or minor children.

SECTION 9. POSTING AND DISTRIBUTION.

- A. The Superintendent of Schools must promptly cause a copy of this Code and a copy of any amendment to this Code to be posted publicly and conspicuously in each building under the District's control. The Code and any amendment must be posted within ten (10) days following the date on which the Code or amendment, as applicable, takes effect.
- B. The Superintendent of Schools must promptly cause a copy of this Code, including any amendments to the Code, to be distributed to every person who is or becomes a District officer or employee.
- C. Every District officer or employee who receives a copy of this Code or an amendment to the Code must acknowledge such receipt in writing in the form attached hereto. Such acknowledgments must be filed with the District Clerk who must maintain such acknowledgments as a public record.
- D. The failure to post this Code or an amendment to the Code does not affect either the applicability or enforceability of the Code or any amendment. The failure of a District officer or employee to receive a copy of this Code or any amendment to this Code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the Code or amendment to the Code.

SECTION 10. FILING REQUIREMENT

Within thirty (30) days of the Board's adoption of this Code or any amendment, the District clerk shall file a copy of this Code or amendment, as applicable, with the Office of the State Comptroller.

SECTION 11. ENFORCEMENT.

In addition to any penalty contained in any provision of law, any District officer or employee who violates this Code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Adoption date: April 7, 2003
Revised: February 14, 2005
Revised: September 10, 2007
Revised: September 13, 2010

CODE OF ETHICS ACKNOWLEDGMENT

I, _____, an officer / employee of the Voorheesville Central School District, do hereby acknowledge receipt of a copy of the Code of Ethics of the Voorheesville Central School District, this ___ day of _____, in the year 201____.

(Signature of officer / employee)

(Print name of officer / employee)

Effective date: September 13, 2010