

**CODE OF ETHICS OF THE YONKERS PUBLIC SCHOOL DISTRICT
FOR BOARD MEMBERS, OFFICERS, AND EMPLOYEES**

1. Statement of Policy.

The Board of Education 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 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 standards of conduct.

2. Definitions.

- (a) Contract means any claim, account or demand against the District or agreement with the District, whether express or implied.
- (b) Interest means a direct or indirect pecuniary or material benefit accruing to a Board member, officer, or employee as a result of a contract with the District. A Board member, officer, or employee shall be deemed to have an interest in a contract between the District and (i) his or her spouse, minor children, and/or dependents, except a contract of employment with the District; (ii) a firm, partnership, or association of which the Board member, officer, or employee is a member or employee; (iii) a corporation of which the Board member, officer, or employee is an officer, director, or employee; and (iv) a corporation any stock of which is owned or controlled, directly or indirectly, by the Board member, officer, or employee.
- (c) Relative means the spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the Board member, officer, or employee or his or her spouse.
- (d) Spouse means the husband or wife of the Board member, officer, or employee unless living separate and apart from the Board member, officer, or employee with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to a judicial order, decree, or judgment, or a legally binding separation agreement.

3. Recusal.

A Board member, officer, or employee shall promptly recuse him or herself, on the record or in writing, and refrain from any further participation in any matter in which the Board member, officer, or employee has an interest or in which his or her participation may give the reasonable appearance of a conflict of interest or impropriety.

4. Prohibited activities.

No Board member, officer, or employee may:

- (a) benefit personally from a contract made in his or her official capacity;
- (b) 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;
- (c) have an interest in any contract with the District when the Board member, officer, or employee has the power or duty to negotiate, prepare, authorize, or approve the contract or authorize payment thereunder, or audit bills or claims under the contract, or appoints the person who has the power or duty to do so;
- (d) have an interest in a bank or other financial institution designated as a depository, paying agent, registration agent, or for investment of funds of the District;
- (e) use or attempt to use his or her official position to secure unwarranted privileges or exemptions for such member, officer, or others;
- (f) by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy special favor in the performance of official duties, or that he or she is affected by the kinship, rank, position, or influence of any party or person;
- (g) directly or indirectly, solicit any gift, or accept or receive any gift having a value of \$75.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing, promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected 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 and any Board member, officer, or employee who receives any such gift having a value of \$75.00 or more shall return the gift;
- (h) receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the District;
- (i) 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; or
- (j) after the termination of his or her 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.

5. 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 the Board member, officer, or employee is a board member, officer, or employee of the charitable organization, the Board member, officer, or employee must disclose to the District in writing the relationship with the charitable organization and recuse him or herself from participation in any discussion or vote relating to the charitable organization which may come before the Board. The Board member, officer, or employee may not disclose any confidential information learned in the course of his or her duties for the District to further the interests of the charitable organization or make any

representations on behalf of the District to the charitable organization unless specifically authorized to do so by the Board.

6. Disclosure.

Each Board member, officer, and employee must publicly disclose the nature and extent of any non-exempted interest he or she, or his or her spouse, has, will have, or later acquires in any actual or proposed contract, even if the interest is not a prohibited interest. Such disclosure must be in writing and be made part of the official record of the District. Disclosure is not required in the case of an interest that is exempted under General Municipal Law § 802, but voluntary disclosure of such interests is encouraged.

7. Exceptions.

The provisions of sections 3 and 4 shall not be deemed to apply to:

- (a) a contract with a person, firm, corporation, or association in which the Board member, officer, or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation, or performance of any part of such contract;
- (b) the designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law;
- (c) the purchase real property or an interest therein, provided the purchase and the consideration therefor is approved by order of the supreme court upon petition of the governing board;
- (d) the acquisition of real property or an interest therein, through condemnation proceedings according to law;
- (e) a contract with a membership corporation or other voluntary not-for-profit corporation or association, including a collective bargaining agreement, the terms of which are applicable to the spouse or child of the Board member, officer, or employee;
- (f) the sale of bonds and notes pursuant to section 60.10 of the Local Finance Law;
- (g) a contract in which a Board member, officer, or employee has an interest if the contract was entered into prior to the time the Board member, officer, or employee was appointed, but not the renewal of any such contract;
- (h) employment of a duly licensed physician as school physician upon authorization by a two-thirds vote of the Board;
- (i) a contract with a corporation in which a Board member, officer, or employee has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by the Board member, officer, or employee;
- (j) a contract for the furnishing of public utility services when the rates or charges therefor are fixed or regulated by the public service commission;

- (k) a contract in which a Board member, officer, or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of \$750.00;
- (l) a contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation, or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract;
- (m) appointment of a teacher who is a relative or spouse of the Board member upon authorization by a two-thirds vote of the Board; and
- (n) acceptance by an officer or employee of a gift from a child that is principally sentimental in nature and the financial value of which is insignificant.

8. Confidentiality.

No Board member, officer, or employee may disclose confidential information he or she acquires in the course of his or her official duties or use such information to further his or her personal interests.

No Board member, officer, or employee may disclose the following matters discussed in executive session or as contained in Board informational materials issued by the Superintendent:

- (a) any matter which may imperil the public safety if disclosed;
- (b) any matter which may disclose the identity of a law enforcement agent or informer;
- (c) information relating to current or future investigation or prosecution of a criminal offense;
- (d) discussions regarding proposed, pending, or current litigation;
- (e) collective bargaining negotiations under the Taylor Law;
- (f) the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation;
- (g) the preparation, grading, or administration of examinations;
- (h) the proposed acquisition, sale, or lease of real property or securities, but only when publicity would substantially affect the value thereof;
- (i) student records pursuant to the Family Educational Rights and Privacy Act (FERPA); and
- (j) matters subject to the attorney-client privilege.

When the Board collectively determines to conduct a properly convened executive session, no individual Board member may unilaterally relinquish the protection afforded such a session. Disclosure of executive session material interferes with and compromises the Board's effectiveness and ability to function and constitutes a violation of the fiduciary duty of a Board member, the Board member's oath of office, and General Municipal Law, which prohibits Board members from disclosing confidential information obtained while discharging official duties, or

from using such information to further personal interests. While Board members generally cannot disclose information properly discussed in executive session, there may be instances in which information learned during a properly convened executive session warrants referral to a District Attorney, the Attorney General, or other appropriate law enforcement authority for investigation and possible action. An individual Board member may be compelled to disclose such material pursuant to law in the context of a judicial proceeding.

9. Incompatibility of Offices.

Neither the Superintendent nor any employee of the District may serve as a Board member. Not more than one member of the same a family may be a Board member. No Board member may hold the office of district clerk, collector, treasurer, librarian, District Attorney, or County Elections Commissioner. A person removed from a school district office shall be ineligible for appointment to any district office for a period of one year from the date of his or her removal.

10. Penalties.

In addition to any other penalty provided for in any other provision of law, any person who shall knowingly violate any of the provisions of this Code of Ethics may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

Any contract willfully entered into in which there is an interest prohibited by this Code of Ethics shall be null, void, and wholly unenforceable, unless the Board determines that the contract is in the best interest of the District.

11. Distribution, filing, and posting.

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every Board member, officer, and employee of the District. The Superintendent shall cause a copy of Article 18 of the General Municipal Law to be posted in a conspicuous place in each public building under the jurisdiction of the District.

Ref: General Municipal Law §§800; 801; 802; 803; 804; 805; 805-a; 806; 807
 Education Law §§306; 1709; 2103; 2553; 2554; 2559; 3016
 Public Officers Law §30(1)(h)
 Appeal of Kelly, 45 EDR Dec. No. 15253 (2005)
 Application of Nett & Raby, 42 EDR Dec. No. 15315 (2005)
 Appeal of Taber, 42 EDR 251 (2003)
 Appeal of Gill, 42 EDR 89 (2002)
 Matter of Grinnell, 37 EDR 504 (1998)
 Appeal of Vivlemore, 33 EDR 174 (1993)
 Ops. Atty. Gen. (inf) 99-16.

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