

6110	Code of Ethics and Conduct for Employees and Officers
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Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Ballston Spa Central School District recognizes that there are rules of ethical conduct for employees that must be observed if a high degree of integrity, professionalism, and public confidence is to be maintained in our district

The rules of ethical conduct of this policy as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct.

Section I: Definitions

- a. "Employee" means any employee of the District, whether paid or unpaid, including members of the Board of Education of the District and ad hoc committees of the Board.
- b. "Interest" means direct or indirect pecuniary or material benefit accruing to an officer or an employee as a result of a contract or agreement with the District.

For the purposes of this policy, an officer or employee shall be deemed to have an interest in the contract of

- a. his/her spouse, minor children and dependents except a contract of employment with the District;
- b. a firm, partnership or associations of which such officer or employee is a member or employee;
- c. a corporation of which such officer or employee is an officer, director or employee; and
- d. a corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

Section II: Standards

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

- a. Compliance with District Policies and Regulations: All employees are expected to comply with all Board policies as well as local, state and federal regulations.

6110	Code of Ethics and Conduct for Employees and Officers
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- b. Confidential Information: Employees shall not disclose confidential information acquired in the course of performing official duties or use such information to further personal interests. In addition, s/he shall not disclose any information regarding matters discussed in executive session of the Board except as authorized by the Board, whether such information is labeled or considered confidential or not.

- c. Conflict of Interest: Except as noted below, an employee shall not have an interest in any contract with the District when s/he individually or as a member of the Board, has the power or duty to 1) negotiate, prepare, authorize or approve payment thereof; (2) audit bills or claims under the contract; or (3) appoint an employee who has any of the powers or duties set forth above and no chief fiscal officer, treasurer, or his/her employee shall have an interest in a bank or trust company designated as a depository paying agent, registration agent or for investment of funds of the District of which s/he is an officer or employee.

Such conflicts of interest shall not apply as follows:

1. Contract with a person, firm or corporation in which s/he has an interest if the remuneration of such employment will not be directly affected as a result of the contract and duties do not involve the procurement, preparation, or performance of any part of such contract;
2. Designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice where such is required or authorized by law;
3. Contract with a membership corporation or other voluntary non-profit corporation;
4. Sale of bonds and notes pursuant to Section 60.10 of local finance law;
5. Contract in which s/he has an interest if such contract was entered into prior to the time s/he was elected or appointed, but this shall not authorize a renewal of such contract;
6. Any other exceptions specified in Article 18 of the General Municipal Law or any other general or specific law relating to ethical conduct and interests in contracts.

6110	Code of Ethics and Conduct for Employees and Officers
-------------	--

Any employee shall fully disclose any actual, potential, or perceived conflict of interest that individual may have relating to the matter under consideration. The purpose of such disclosure is to assess whether any such interest is prohibited and, if not, to ensure that all members of the deliberative body are aware of the interest.

Disclosure of Interest in Matters before the Board: Employees must publicly disclose the nature and extent of any interest they 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 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.

Representation: Before the Board: Employees 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.

Private employment: Employees 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 said employee's official duties.

Future employment: Employees shall not, after the termination of service or employment with the District, appear before any board or agency of the District in relation to any case, proceeding or application in which said employee personally participated during the period of service or employment or which was under said employee's active consideration.

Investments in Conflict with Official Duties: Employees shall not invest or hold any investments directly or indirectly in any financial, business, commercial or other private transaction, which creates conflict with his/her official duties.

Representation Before Any Agency for a Contingent Fee: Employees 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 the District whereby compensation is to be dependent or contingent upon any action by such agency with respect to such matters, provided that this

6110	Code of Ethics and Conduct for Employees and Officers
-------------	--

paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

Disclosure of Interest in Resolution: To the extent known, thereof, any employee of the District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolutions 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 said person has in such resolutions.

Federal Awards: No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a federal award if he or she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. Employees, officers, and agents will not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The District may, however, set standards for situations where the financial interest is not substantial or the gift or gratuity is an unsolicited item of nominal value.

- d. Eligibility for employment: The District will only hire employees who meet the qualifications for the position. It is the employee's responsibility to stay current with the qualifications necessary to retain his/her employment (certifications, licensing etc.)
- e. Gifts and Gratuities: Employees of the District 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 cash, services, loan, travel, entertainment, hospitality, or promise, or any other form.

It is understood that an exchange of gifts between employees and students is a tradition at certain holiday seasons. Discretion should be used to ensure that employees do not accept gifts of monetary value.

- f. Intellectual Property: Intellectual property includes any patentable invention, any copyrightable subject matter, or trade secret. It also includes works of art, and inventions or creations that might normally be developed on a proprietary basis. Intellectual property created by an employee shall be owned by the District if said intellectual property was created within the normal scope of

6110	Code of Ethics and Conduct for Employees and Officers
-------------	--

their employment. Intellectual property of others must be respected and identified as such when used for employees' or officials' intents and purposes.

- g. Nepotism: A job applicant who is a relative, spouse, or significant other of a current employee shall not be hired in any capacity in which they have a direct or indirect (i.e. within chain of command) supervisory relationship with his/her relative, spouse or significant other.

Relatives, spouses and significant others also shall not be assigned to the same building nor shall they report to the same supervisor whenever possible.

If a relative of a Board member is considered for a position, the Board member may recuse him/herself from the vote on the appointing resolution. A 2/3 vote of the Board is required for the appointment and tenure of a teacher related by blood or marriage to a Board member.

- h. Preferential Treatment: Employees shall not use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.

Merit shall be the dominant criteria in the District's hiring process, ensuring the selection of the best-qualified candidate for a position. Distortion of violation of this principle through the use of influence, contacts or personal relationships shall not be permitted.

Employees should not attempt to secure preferential treatment of any student above and beyond the normal scope of parental requests that would arise in ensuring the child's education.

- i. Professionalism: Employees shall endeavor to act in a manner consistent with his/her position of public trust and this Code, including the following, as further outlined in Board policy:
 - 1. Presentation: Professional behavior and appearance are expected at all times when serving as a representative of the District. All persons on school property or attending a school function shall conduct themselves in an appropriate and professional manner and be properly attired for the purpose they are on school property.
 - 2. Drug/Alcohol Influence and/or Use on Premises: No employee may possess, use or be under the influence of alcohol or illegal drugs while

6110	Code of Ethics and Conduct for Employees and Officers
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on school property, whether during the school day or an after school event.

3. Relationships: Harassment of and/or discrimination toward any students, subordinates or co-workers is explicitly forbidden. Relationships with students must remain professional and avoid any appearance of impropriety. A supervisor is expected to notify the Superintendent of Schools if a relationship is developing between him/her and his/her direct subordinate so that appropriate adjustments may be made in assignment.
- j. Whistle Blowing: There will be no retaliation against any employee or officer who reports waste, fraud or abuse on the part of the District. Every report will be investigated and even if determined not to be founded, the individual making the report will not be retaliated against. There will be no punishment—including firing, demotion, suspension, harassment, failure to consider the employee for promotion, or any other kind of discrimination for reporting such concerns.

Section III: Filing of Claims

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former employee of any claim, account, demand or suit against the District, or any agency thereof on behalf of said employee or any family member arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section IV: Distribution of Code of Ethics

The Superintendent of Schools shall cause a copy of this code of ethics to be distributed to every employee of the District within 30 days after adoption. Each employee elected or appointed thereafter shall be furnished a copy before entering upon the official duties of office or employment. In addition, the Code must be posted in all buildings.

Section V: Penalties

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

Section VI: Effective Date

6110	Code of Ethics and Conduct for Employees and Officers
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This resolution shall take effect upon adoption by the Board of Education of the Ballston Spa Central School District after it is filed as provided in Section 806 of the General Municipal Law.

Education Law § 410

General Municipal Law Article 18 and §§ 800-809

Labor Law § 201-d

Penal Law Article 155 and § 60.27(5)

2 CFR § 200.318(c)(1)

Adoption Date: 12/16/2020