

CODE OF ETHICS/CONFLICT OF INTEREST**1. PURPOSE**

Improving the quality of our students' education is the fundamental goal to which the District's energies and resources must be devoted. The District's activities shall be conducted in a manner that consistently supports that goal and demonstrates the highest standards of ethical behavior and fiscal accountability. The Board recognizes that in order to implement these principles, there must be clear and reasonable standards for ethical conduct. This Code of Ethics/Conflict of Interest policy is intended to establish those standards and to prohibit acts incompatible with the public interest.

2. DEFINITIONS

- a. Board: Board of Education.
- b. Claim: Any demand, oral or written, made upon the District, its Board, or its Superintendent, to fulfill an obligation arising from law or equity.
- c. Contract: Any oral or written obligation to do an act, or to refrain from doing an act, arising from an exchange of promises between or among persons.
- d. District: Rochester City School District including its Board of Education.
- e. Employee: Any person appointed, elected or hired to serve the District in any capacity or position, including, without limitation, persons serving on a temporary, part-time or seasonal basis, and persons serving on administrative or advisory boards, commissions, or committees of the District, whether permanent or temporary.
- f. Family: Any parent, sibling, spouse, child, household member, domestic partner, any person sharing living quarters, grandfather or grandmother, father-in-law, mother-in-law, stepparent, or stepchild of a District employee.
- g. Gift: Anything of value given gratuitously to a District employee.
- h. Interest: A benefit or advantage of an economic or tangible nature that a District employee would gain or lose as a result of a decision or action, or an omission to decide or to act on behalf of the District. A District employee shall be deemed to have an interest in a:
 - i. contract between the District and that District employee;
 - ii. contract between the District and any member of the family of that District employee, except for a contract of employment;
 - iii. contract between the District and any entity of which the District employee, or a member of their family, is an officer, director, employee, partner, or stockholder with the interest of 5% or more; or
 - iv. direct or indirect benefit received by an employee as a result of a contract with the District.
- i. Person: Any individual, corporation, partnership, business, employee or vendor.

- j. Public Information: Information or records obtainable pursuant to the Family Educational Rights and Privacy Act (FERPA), Article 6 of the New York Public Officers Law (the Freedom of Information Law), and District policies and regulations adopted pursuant to such laws.
- k. Vendor: Any corporation, partnership, business, company, organization or individual conducting or seeking to conduct business with the District (includes any contractor, supplier or customer), providing grant or research funds to the District, making donations to the District, or from whom the District is actively soliciting donations.

3. REQUIREMENTS

- a. All employees shall exercise good judgment on behalf of the District, and shall pursue a course of conduct which will maintain public trust and confidence in the District. In no event shall an employee:
 - i. Treat any person more favorably than it is the custom and practice to treat the general public.
 - ii. Use their official position to secure unwarranted privileges or exemptions for self or others.
 - iii. Allow any person to improperly influence their performance of official duties.
 - iv. Have a romantic, sexual or other unprofessional relationship with any student of the School District even if the relationship is consensual.
 - v. Have a romantic, sexual or other unprofessional relationship with a subordinate employee even if the relationship is consensual. This includes a building-based administrator having a romantic or sexual relationship with any teacher or staff member in the same building.
- b. Conflicts of Interest Prohibited

Except as permitted in subsection 1 or 2 below, (1) no employee shall have an interest in any contract in which the employee has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder, (b) audit bills or claims under the contract, (c) appoint an employee who has any of the powers or duties set forth above, or (d) influence the implementation or utilization of the contract on behalf of the District; and (2) no chief financial officer, budget director, or their deputies or employees, shall have an ownership interest (of 5% or more) or direct financial interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which they are an employee. However, this provision does not apply to a contract or banking relationship between any:

 - i. Vendor and the District, in which an employee has an interest which is of such employment will not be directly affected as a result of the contract or banking relationship. Further interests under Section III(B)(d) shall not be prohibited if the interest is not otherwise prohibited by the General Municipal Law and the employee does not perform professional services for the Vendor in the District building or department in which the employee works; or

- ii. Vendor and the District, in which an employee has an interest which is prohibited solely by reason of an ownership interest in the Vendor if the value of the ownership interest will not be affected materially as a result of the contract or banking relationship Further interests under Section III(B)(d) shall not be prohibited if the interest is not otherwise prohibited by the General Municipal Law and the employee does not perform professional services for the Vendor in the District building or department in which the employee works; or
- iii. Vendor and the District, in which a District employee has an interest, if such contract was entered into prior to the time they were appointed or hired as a District employee, provided that:
 - 1) The District employee disclosed their interest in the contract prior to the time they were appointed or hired by the District;
 - 2) The District employee has no power or duty to authorize or approve payment under the contract, monitor performance under the contract or audit bills or claims under the contract; and
 - 3) The remuneration of the District employee will not be directly affected as a result of the contract.
 - 4) However, this subparagraph shall in no event authorize a renewal of such contract.
- c. Disclosure
According to the process set forth in Section V, employees shall disclose known or suspected conflicts of interest or other violations of this policy and any applicable regulation. Suspected conflicts of interest shall include any employment by or ownership of a Vendor. Additionally, employees shall furnish written disclosure of outside business interests as well as business interests of family members, as may be warranted to satisfy ad hoc requests of the District.
- d. Employment of Family Members
In no event shall:
 - i. Any member of the family of an employee be appointed or hired to serve under the direct authority or supervision of that District employee; or
 - ii. An employee participates in decision making by the District regarding the employment of any member of the family of that District employee.
- e. Employment Generally
In no event shall an employee:
 - i. Have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation, as a result of which, directly or indirectly, they would have an interest that would impair or conflict with their independence of judgment or action in the performance of their official duties. Activities prohibited under this paragraph include, but are not limited to employment by or ownership of a Vendor that provides professional services in the building or department in which the employee is employed by the District.

- ii. Engage in other employment at a time when they are scheduled to be working for the District.

f. Gifts and Contributions

- i. In no event shall an employee solicit, accept or receive a gift having a value in excess of the dollar value established by § 805-a of the General Municipal Law, whether in the form of money, property, services, loan, travel, entertainment, hospitality, promise, or any other form, from a person who has a contract with or an interest in a contract proposed or pending before the District. This provision does not apply to contributions solicited or received in accordance with the Election Law of the State of New York.
- ii. The value of a gift shall be defined as its fair market value. The following exceptions shall not be considered gifts:
 - 1) Complimentary attendance at a charitable or political event if the value of the admission fee is within the requirements of the General Municipal Law;
 - 2) Complimentary attendance at an educationally related, widely attended event when the attendance is provided directly to the employee by the sponsor of the event and the event is related to the official duties of the employee;
 - 3) Any ceremonial item;
 - 4) Honorary degrees;
 - 5) Contributions reportable under article fourteen of the Election law; and
 - 6) Travel reimbursement or payment for transportation, meals and accommodations for an employee acting as a panelist or speaker at an informational event.

g. Public Information and Records

An employee may only disclose to third parties, with proper authorization, public information and records.

h. Representing Persons in Transactions with the District

- i. By a Current District Employee - In no event shall a District employee, whether paid or unpaid, represent any person, other than themselves, in business negotiations, or in actions or proceedings, whether judicial or administrative, to which the District is a party.
- ii. Exceptions:
 - 1) In no event shall this section apply to the Law Department when it is representing a person within the scope of its official duties.
 - 2) In no event shall this section bar or prevent the timely filing, by a current or former District employee, or a member of the family of a current or former District employee, of any claim, account, demand or suit against the

District arising out of any personal injury or property damage, or for any benefit or right authorized or permitted by law.

i. Supervisory/Subordinate Relationships

No person employed by the District shall supervise, evaluate, promote, review or discipline any employee who is a family member or with whom the employee is having a romantic or sexual relationship. In the event of a potential conflict, the employee shall notify their supervisor of the situation as soon as the situation arises.

j. Use of Public Funds for a Private Purpose

In no event shall an employee:

- i. Provide District money, credit, property or services to any individual, or to any private or charitable corporation, association or other group, for a private purpose.
- ii. Use or permit the use of District property, equipment, materials or vehicles, for the convenience, advantage, benefit or profit of themselves or any other person.
- iii. Submit a request to be reimbursed for the purchase of personalized items (other than approved District stationery, business cards and similar items intended for District use), or request reimbursement for items which are for personal use.
- iv. Submit a request to purchase or to be reimbursed for the purchase of any item that is not allowed under New York law, District Policy, Regulation or procedures (including Business Services Procedures & Reference Manual, P-Card procedures and Purchasing procedures).

k. Limitation on Working with Contractors After Leaving Employment

After leaving employment with the District, an employee may not share with any third party confidential or proprietary information obtained in the course of the employee's employment with the District.

4. ADMINISTRATIVE PROCEDURES

Distribution of Policy

The Code of Ethics/Conflict of Interest policy shall be posted on the District's website so as to be available to all employees and the public at www.rcsdk12.org/BOE.

5. DISCLOSURE & RESOLUTION

- a. Every *Employee* shall disclose any known or suspected conflict of interest in accordance with Policy, regulation and procedures established by the District.
 - i. With respect to a matter proposed or pending before the District, in no event shall an employee discuss, decide, or take part in a matter in which they have a prohibited interest under Section III. B.
 - ii. The District employee shall identify immediately in writing the nature of their interest and the potential conflict to their immediate supervisor and a member of the Conflict of Interest Review Committee.

- iii. If the member of the Conflict of Interest Review Committee believes that the issue merits review by the entire Conflict of Interest Review Committee, the question shall be submitted to the Conflict of Interest Review Committee for an opinion. The Conflict of Interest Review Committee shall render an opinion on whether the employee shall participate in the matter, and the employee shall abide by the opinion. If the supervisor or member of the Conflict Review Committee believes that the interest is substantial, then the employee shall not be allowed to participate in the endeavor under consideration.
 - iv. Failure to properly disclose, or to abide by the opinion of the Conflict of Interest Review Committee may result in the penalties described in Section VI below.
 - v. The existence and resolution of any known or suspected conflict of interest will be documented in the Board's records, including the minutes of any meeting at which the said known or suspected conflict was discussed or voted upon.
- b. Administration of Acknowledgement.
Employees are required to acknowledge and disclose in writing any known or suspected instance of noncompliance with this Policy involving their work duties or responsibilities.
- c. Annual Financial Disclosure.
Beginning in October 2024, Commissioners of the Board and all District employees shall provide an Annual Statement of Financial Disclosure to the District's Conflict of Interest Review Committee no later than October 15th of each year.
- d. Conflict of Interest Review Committee ("CIRC")
- i. The CIRC shall be comprised of one individual designated in writing by each of the following:
 - 1) General Counsel;
 - 2) Chief of Human Capital; and
 - 3) Auditor General.
 - ii. The CIRC shall have the powers and duties prescribed by Article 18 of the General Municipal Law, and shall render advisory opinions to District employees with respect to Article 18 of the General Municipal Law and the District's Code of Ethics/Conflict of Interest policy.
- e. Reporting of Possible Violations
Any employee that believes a violation of this Policy 2160 or State or Federal law has occurred is encouraged to disclose the matter immediately according to a member of the CIRC or as described in the District's Whistleblower Policy 9645.

6. PENALTIES

- a. An employee who fails to perform an act which is required, or who performs an act which is prohibited by this policy, applicable regulation or law, may be subject to disciplinary action in the manner provided by District policies and regulations, the applicable collective bargaining agreement, if any, and law.

- b. Any contract entered into by the District, its Board or Superintendent, in which there is an interest prohibited by this policy or applicable law may be null and void and unenforceable.
- c. The Department of Law may seek an injunction to enforce the provisions of this policy or applicable law or regulation.

Cross-ref: School District Records Policy (1120)
Purchasing (6700)
Purchasing Regulation (6700-R)
Reporting Improper Governmental Action and Protecting Employees Against Retaliation (District Whistleblower Policy) (9645)

Notes: Policy adopted 7/19/01; amended 3/17/05 pursuant to Resolution 2004-05:655; amended 10/20/05 pursuant to Resolution 2005-06:355; and amended 8/16/07 pursuant to Resolution and amended December 13, 2012 pursuant to Resolution 2012-13: 374; amended March 23, 2017 pursuant to Resolution No. 2016-17: 631; amended February 27, 2020 pursuant to Resolution No. 2019-20: 664; amended August 27, 2020 pursuant to Resolution Nos. 2020-21: 218 and 219; Amended November 30, 2023 pursuant to Resolution No. 2023-24: 468

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Rochester Board of Education

Standards of Conduct

The following are the general standards of professional/personal conduct applicable to all Members/Commissioners of the Board of Education (“Board”) for the Rochester City School District (“RCSD” or “District”). In fulfilling their responsibilities, members should observe the following:

1. Work with other RCSD Board Members and members of the community in a spirit of respect, civility, decency, harmony, and cooperation.
2. Be open to feedback and information from all District stakeholders.
3. Whenever possible, and consistent with New York State Law, the Board will operate in the most transparent way possible.
4. Understand that all Board Members must nonetheless maintain the confidentiality of all matters properly discussed in executive session and any matters that, if disclosed, would needlessly injure individuals or a particular school or program.
5. Demonstrate professional attitudes and personal conduct reflecting the standards articulated in the District’s Code of Ethics/Conflict of Interest (Policy 2160).
6. Work unceasingly to improve the understanding and support of public education.
7. Avoid any conflicts of interest as defined in Policy 2160.
8. Keep abreast of issues in education.
9. Participate in training relevant to Board Service.

Guidelines Concerning Certain Specific Responsibilities

1. Recognize and participate in the exercise of the Board’s exclusive authority to hire and evaluate the Superintendent of Schools, propose an annual budget and establish policy.
2. Every Board member should be familiar with the Board handbook (i.e., policies, laws and duties of the Board) and use it as a guide for operation.
3. Refer all complaints or concerns regarding the operation of the schools (including the complaints of RCSD parents and staff) to the Rochester City School District Superintendent of Schools.
 - a. (“Superintendent”), or their designee, for appropriate processing and resolution.
4. Try to attend all Board Meetings, absent extenuating circumstances.
5. Be prepared for Board Meetings by reviewing relevant information supplied by the Superintendent and the District Clerk.
6. Understand and honor the roles and responsibilities of the Board, as opposed to those of the Superintendent.

Appendix A

7. Only the Board President, with the approval of the Board as a whole, can direct when District resources will be employed for Board business.
8. Every Board member should be familiar with both parliamentary procedure and the State Open Meetings Law.
9. Whenever possible, Board members should submit questions in advance of District Business Meetings to give the Superintendent and their staff ample time to prepare a response in advance of said meeting.
10. Should it become necessary to ask questions during the course of a Business or Special meeting, such questions should be addressed to the Superintendent whereupon they may then identify the appropriate staff person to respond to the Member's question.
11. Participate in the Board's annual review the District's Strategic Plan.
12. Help design and enforce a contract for the Superintendent that, among other things, defines their primary roles and responsibilities, the procedures for evaluation and the frequency of same.

Each Board Member, upon assuming office will be requested to sign an acknowledgement that they have read the above and agrees to conduct themselves in a manner consistent with these Standards and Guidelines.

Rochester Board of Education

Standards of Conduct

ACKNOWLEDGEMENT

I, _____, Commissioner of Education, hereby acknowledge on this day, _____ that I have reviewed the attached Standards and Guidelines appended to the District's Code of Ethics/Conflict of Interest (Policy 2160).

Signed _____

Name (Print) _____

(Commissioner of Education)