

**CODE OF ETHICS****I. 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 support that goal and demonstrate 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 is intended to establish those standards and to prohibit acts incompatible with the public interest.

**II. DEFINITIONS**

- A. Board: Board of Education.
- B. Claim: Any demand, oral or written, made upon the District, its Board of 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 as defined under Board Policy 9540 and applicable law, person of opposite sex 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:
  - 1. contract between the District and that District employee;
  - 2. contract between the District and any member of the family of that District employee, except for a contract of employment;
  - 3. contract between the District and any entity of which the District employee, or a

member of his/her family, is an officer, director, employee, partner, or stockholder with interest of 5% or more; or

4. 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.

### III. 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:

1. Treat any person more favorably than it is the custom and practice to treat the general public.
2. Use their official position to secure unwarranted privileges or exemptions for self or others.
3. Allow any person to improperly influence their performance of official duties.
4. Have a romantic, sexual or other unprofessional relationship with any student of the School District even if the relationship is consensual.
5. Have a romantic, sexual or other unprofessional relationship with a subordinate employee even if the relationship is consensual.

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 he/she is an employee. However this provision does not apply to a contract or banking relationship between any:

1. Vendor and the District, in which an employee has an interest which is prohibited solely by reason of employment with the Vendor, if the remuneration

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

2. 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
3. Vendor and the District, in which a District employee has an interest, if such contract was entered into prior to the time he/she was appointed or hired as a District employee, provided that:
  - a. The District employee disclosed his/her interest in the contract prior to the time he/she was appointed or hired by the District;
  - b. The District employee has no power or duty to authorize or approve payment under the contract, monitor performance under the contact or audit bills or claims under the contract; and
  - c. The remuneration of the District employee will not be directly affected as a result of the contract.
  - d. 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 Code of Ethics 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:

- a. 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
- b. An employee participate 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:

1. 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, he/she would have an interest that would impair or conflict with his/her independence of judgment or action in the performance of his/her 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.

2. Engage in other employment at a time when he/she is scheduled to be working for the District.

F. Gifts and Contributions

1. 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.
2. The value of a gift shall be defined as its fair market value. The following exceptions shall not be considered gifts:
  - a. Complimentary attendance at a charitable or political event if the value of a the admission fee is within the requirements of the General Municipal Law;
  - b. 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;
  - c. Any ceremonial item;
  - d. Honorary degrees;
  - e. Contributions reportable under article fourteen of the Election law; and
  - f. 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

1. By a Current District Employee - In no event shall a District employee, whether paid or unpaid, represent any person, other than himself/herself, in business negotiations, or in actions or proceedings, whether judicial or administrative, to which the District is a party.
2. Exceptions:
  - a. In no event shall this section apply to the Law Department when it is representing a person within the scope of its official duties.
  - b. 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. In the event of a potential conflict, the employee shall notify his/her 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:

1. 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.
2. Use or permit the use of District property, equipment, materials or vehicles, for the convenience, advantage, benefit or profit of himself/herself or any other person.
3. 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.
4. 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.

#### **IV. ADMINISTRATIVE PROCEDURES**

Distribution of Policy

The Code of Ethics 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](http://www.rcsdk12.org/BOE) .

#### **V. 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.
1. 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 he/she has a

- prohibited interest under Section III. B.
2. The District employee shall identify immediately in writing the nature of his/her interest and the potential conflict to his/her immediate supervisor and a member of the Conflict of Interest Review Committee.
  3. 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 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.
  4. 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.

**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.** All employees holding the following job titles within the District shall provide an Annual Statement of Financial Disclosure to the District's Conflict of Interest Review Committee no later than October 15<sup>th</sup> of each year: Commissioners of the Board of Education, Superintendent, Deputy Superintendents, employees in the Superintendent's Employee Group (except Confidential Secretaries and Executive Assistants), Principals, Directors, Architects, Engineers, and employees of the Purchasing Department involved in vendor selection or bid review.

**D. Conflict of Interest Review Committee ("CIRC")**

1. The CIRC shall be comprised of one individual designated in writing by each of the following:
  - a. General Counsel;
  - b. Chief of Human Capital Initiatives; and
  - c. Deputy Superintendent of Administration.
2. 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 Code of Ethics.

**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.

**VI. PENALTIES**

- A. An employee who fails to perform an act which is required, or who performs an

act which is prohibited by the Code of Ethics, 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 the Code of Ethics or applicable law may be null and void and unenforceable.
- C. The Department of Law may seek an injunction to enforce the provisions of the Code of Ethics or applicable law or regulation.

**ASSOCIATED DOCUMENTS**

- 1. Policy 1120, Records Policy
- 2. Policy 2160, Code of Ethics
- 3. Policy 6700, Purchasing
- 4. Policy 6700-R, Purchasing Regulation
- 5. Policy 9540, Domestic Partner Benefits
- 6. Policy 9645, Whistleblower

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 2007-08: 152; and amended December 13, 2012 pursuant to Resolution 2012-13: 374.