

Monroe 2-Orleans BOCES Policy
Series 5000 – Personnel
Policy #5110 – CODE OF ETHICS FOR ALL BOCES PERSONNEL

Definitions

- a) "BOCES" shall mean the Board of Cooperative Educational Services for the Second Supervisory District of Monroe and Orleans Counties.
- b) "Municipal Officer or Employee" hereinafter referred to as "employee" means a Board member or employee of the BOCES, paid or unpaid, including members of any administrative board, commission, agency, or committee thereof.
- c) "Interest" means a direct or indirect pecuniary or material benefit accruing to a BOCES member or employee as the result of a contract with the BOCES.

Purpose

- a) Pursuant to the authority of Section 806 of the General Municipal Law, the BOCES adopts this code of ethics setting forth for the guidance of its employees, the standards of conduct reasonably expected of them.
- b) This code of ethics is in addition to the rules regarding prohibited conflicts of interest contained in Article 18 of the General Municipal Law; and the provisions of any other general or special law governing conflicts of interest and/or ethical conduct of employees.

Standards of Conduct

Every employee of the BOCES shall be subject to the following standards of conduct:

- a) Gifts - No employee shall directly or indirectly solicit any gift or accept or receive any gift having a value of \$75.00 (seventy-five dollars) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the officer or employee, or could reasonably be expected to influence the officer or employee in the performance of their official duties or was intended as a reward for any official action on the officer or employee's part.
- b) Confidential Information - No employee shall disclose confidential information acquired in the course of official duties, except when permitted or required by law, or use such information to further personal interest.
- c) Representation before the BOCES - No employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in any matter before the BOCES.
- d) Representation before any agency for a contingent fee - No employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the BOCES, whereby compensation is to be dependent or contingent upon any action by the BOCES with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

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- e) Disclosure of interest in resolution - An employee who participates in the discussion of or gives official opinion to the Board on any resolution before such Board shall publicly disclose in the minutes of a public Board meeting the nature and extent of any direct or indirect financial or other private interest in such resolution.
- f) Investments in conflict with official duties - No employee shall invest or hold any investment, directly or indirectly, in any financial, business, or commercial, venture, or other private transaction, which creates a conflict of interest with official duties or work assignments.
- g) Private employment - No employee shall engage in, solicit, negotiate for or promise to accept private employment or render services to private interests when such employment or service creates a conflict of interest with or impairs the proper discharge of official duties or work assignments.
- h) Future employment - No employee after termination of service or employment with the BOCES, shall appear before any board or agency or committee of the BOCES in relation to any matter in which the officer or employee personally participated during the period of their service or employment, or which was under their active consideration unless required to do so.
- i) Employment of Board Members - No member of the Board shall apply for a position as a paid employee of the BOCES and neither the Board nor any employee of the BOCES shall consider any application from any such Board member unless that Board member shall have resigned as such member prior to the submission thereof.
- j) Medicaid Compliance – All staff members responsible for provision and documentation of services that are eligible for Medicaid reimbursement shall comply with the Board-approved Medicaid Compliance policy.
- k) Anti-fraternization – All staff and volunteers must act as role models for students and establish appropriate boundaries on and off owned or leased BOCES property during school hours, school events and off school hours. Staff shall not socialize with students or act in a manner to create a perception of a romantic, dating or sexual relationship, being friends or a relationship that is not a student-teacher relationship. Staff are expected to act appropriately when interacting with students and refrain from behavior such as, but not limited to, flirting, suggestive comments, meeting outside of school hours unrelated to school, inappropriate touching, give/receive personal gifts that are inappropriate, favor a student, grant a student privileges, communicate with student in any form and manner (text, social media platform, following the student on the social media platform, phone, email, any electronic communication) that is unrelated to school and relates to the student's personal life (i.e., boyfriend, mental health, sexual activity and/or other personal issues), providing legal or illegal drugs and/or alcohol; transfer the student in a private vehicle without parental permission, ask student to keep a secret or to tell a lie. Staff who witness and/or have knowledge of such behavior, must report such behavior to their immediate supervisor so an investigation may be conducted. Child abuse reporting may be involved and police could be called depending on the circumstances. Staff who engage in fraternization could be subjected to discipline, including possible termination, and reported to the New York State Education Department under Part 83. Staff who report alleged incidents and staff who participate in an investigation are protected from

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retaliation and need to report any retaliatory behavior. BOCES will not tolerate any retaliatory behavior. Staff who fail to report the fraternization they witness or have knowledge of could face possible discipline.

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

Distribution/Posting of Code of Ethics

Each employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of their office or employment.

The District Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the BOCES in a place conspicuous to its employees. Failure to distribute any such copy of this code of ethics or failure of any employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

Penalties

In addition to any penalty contained in any other 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.

General Municipal Law, Article 18

Policy References:

Refer also to Policy #1340 -- Obligations of Board Members.

Adopted: 7/13/1999

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