

**NORTH MERRICK UNION FREE SCHOOL DISTRICT CONFLICT OF INTEREST POLICY****Definition.**

A conflict of interest exists when a person or organization in a position of trust has a competing professional or personal interest thereby creating a circumstance where the person's or organization's judgment is improperly influenced.

**Purpose.**

Pursuant to the provisions of Section 806 of the General Municipal Law and Board Policy 2160, the Board of Education promulgates these rules of ethical conduct for the officers and employees of the school district. These rules 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 and interest in contract of municipal officers and employees.

Officers and employees of the North Merrick Union Free School District recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

**Definitions.**

1. "Officer or Employee" means an officer or employee of the district, whether paid or unpaid, including members of the Board of Education and their professional or nonprofessional staff and appointees.
2. "Board" means the Members of the Board of Education of the North Merrick Union Free School District.
3. "Code" means this policy.
4. "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the School District.
5. "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of the board member or employee, and individuals having any of these relationships to the spouse of the board member.

**Applicability.**

Every officer and employee of the district shall be subject to and abide by the following standards of conduct:

1. *Confidential Information:* An officer or employee shall not disclose confidential information acquired by him or her in the course of his or her official duties, except as such disclosure shall be required to fulfill his/her professional duties, or use such information to further his or her personal interest.

**NORTH MERRICK UNION FREE SCHOOL DISTRICT CONFLICT OF INTEREST POLICY****Prohibition on use of employee or board position for personal or private gain.**

No officer or employee shall use his or her position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any organization in which he or she is deemed to have an interest.

No teacher, District related service provider or school administrator may provide services to a student who is currently placed in the teacher's class or who is on the current roster of the related services provider or attending the school where the school administrator is assigned.

No school administrator may engage in any personal or non-school related business activity with students or their families unless specific approval has been requested and received from the Superintendent or his/her designee permitting such activity.

**Disclosure of interest in legislation and other matters.**

- (a) Whenever a matter requiring the exercise of discretion comes before a board member, either individually or as a member of the board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any organization in which he or she is deemed to have an interest, the board member shall disclose in writing the nature of the interest.
- (b) The disclosure shall be made when the matter requiring disclosure first comes before the board member or when the board member first acquires knowledge of the interest requiring disclosure, whichever is earlier.

**Recusal and abstention.**

- (a) No board member may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any organization in which he or she is deemed to have an interest.
- (b) In the event this section prohibits a board member from exercising or performing a power or duty:
  - (1) the power or duty vested in the board member shall be exercised or performed by the other members of the board.
- (c) Whenever recusal is mandated the recused individual shall remove him/herself from the room where any such discussions are taking place.

**Gifts.**

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- (a) No officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1) of the General Municipal Law.
- (b) No officer or employee may directly or indirectly solicit any gift.
- (c) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality. thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item.
- (d) (1) A gift to an officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks board action involving the exercise of discretion by or with the participation of the board member.  
 (2) A gift to a board member is presumed to be intended as a reward for official action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.
- (e) This section does not prohibit any other gift, including:
  - (1) gifts made to the Board.
  - (2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than recipient’s status as an officer or employee, is the primary motivating factor for the gift.
  - (3) gifts given on special occasions, such as marriage, illness , or retirement, which are modest, reasonable, and customary;
  - (4) unsolicited advertising or promotional material of little intrinsic value, such pens, pencils, note pads, and calendars;
  - (5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a board member, or other service to the community;  
or
  - (6) meal or refreshments provided when the officer or employee is a participant at a professional or educational conference or program and the meals and refreshments are made available to all participants.

**Interests in Contracts.**

- (a) No board member may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.
- (b) Every board member shall disclose interests in contracts with the Board of Education at the time and manner required by section 803 of the General Municipal Law.

**Nepotism.**

Except as otherwise required by law:

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- (a) No board member, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the board.
- (b) No officer or employee may supervise a relative in the performance of the relative's official power or duties.

**Confidential Information.**

No officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure is required by law or in the course of exercising or performing his or her official powers or duties.

**Posting and distribution.**

- (a) The North Merrick Union Free School District must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each school district building. The code must be posted within ten days following the due date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.
- (b) The District Clerk must promptly cause a copy of this code, including any amendments to this code, to be distributed to every person who is or becomes a board member of the North Merrick Union Free School District.
- (c) Every officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the District Clerk who must maintain such acknowledgments as a public record.
- (d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a board member to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

**Enforcement.**

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 the Board's code of ethics and its accompanying regulation may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

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Federal Uniform Grant Guidance 2 CFR 200.318 (c)(1):The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

**Effective date.**

This code takes effect on November 7, 2016.

Ref: General Municipal Law, Article 18

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Signature indicating receipt of regulation for

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Date

\_\_\_\_\_  
Please print name

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