

Code of Ethics

CODE OF ETHICS

I. *PURPOSE*

Employees of the West Buffalo Charter School and officers of the Board hold their positions to serve and benefit the school community, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The West Buffalo Charter School recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct.

II. *DEFINITIONS*

- a. “**Board**” means the Board of Trustees of the West Buffalo Charter School.
- b. “**Code**” means this Code of Ethics.
- c. “**School**” means West Buffalo Charter School.
- d. “**School officer or employee**” means a paid or unpaid officer or employee of the School, including, but not limited to, the members of the Board of Trustees.
- e. “**Interest**” means a direct or indirect financial or material benefit accruing to a School officer or employee [unless the context otherwise indicates], 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 or an area of the School, or a lawful class of such residents or taxpayers.
- f. “**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 a School officer or employee, and individuals having any of these relationships to the spouse of the School officer or employee.

III. *APPLICABILITY*

This Code applies to School officers and employees and shall supersede any prior Code of Ethics.

IV. *STANDARDS OF CONDUCT*

Every School officer and employee shall be subject to, and shall abide by, the following standards of conduct.

A. *Partners and Other Charter Schools*

- (1) Trustees or officers of any single organization shall hold no more than 40 percent of total seats comprising the Board.
- (2) No trustee, officer, individual, or employee of a corporation, limited liability company, or partnership having a business relationship with the charter school involving the provision of educational management services to the charter school shall serve as a voting member of the Board.

B. Gifts.

- (1) 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. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars (**\$75.00**) must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.
- (2) No officer or employee shall directly or indirectly solicit, accept or receive a gift in violation of Section 805-a(1)(a) of the General Municipal Law, as interpreted by this Code.
- (4) No officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars (**\$75.00**) or more when:
 - (a) The gift reasonably appears to be intended and/or reasonably could be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - (b) The gift is intended as a reward for any official action on the part of the officer or employee.
- (6) This section does not prohibit any other gift, including:
 - (a) Gifts made to the School;
 - (b) 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 the recipient’s status as a School officer or employee, is the primary motivating factor for the gift;
 - (c) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable, and customary;
 - (d) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
 - (e) Awards and plaques having a value of seventy-five dollars (**\$75.00**) or less which are publicly presented in recognition of service as a School officer or employee, or other service to the community; or
 - (f) Meals and refreshments provided when an officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

B. Confidential Information.

No officer or employee may disclose confidential information acquired by him or her in the course of his or her official duties, or use such information to further his or her personal interests. This section does not prohibit the disclosure or use as required by law or in the course of exercising or performing his or her official powers and duties.

C. Investments in Conflict with Official Duty.

An officer or employee shall not invest or hold any investment directly in any financial, business, commercial, or other private transaction that creates a conflict with his or her official duties.

- (1) Examples of investments that will create a conflict for purposes of this Section include but are not limited to:
 - (a) Investments that can be reasonably expected to require more than sporadic recusal and abstention under Section 6 of this Code; or
 - (b) Investments that would otherwise impair the person's independent judgment in the exercise or performance of his or her official powers and duties.
- (2) This Section does not prohibit an officer or employee from acquiring less than five percent (5%) of the stock of a publicly traded corporation.

D. Representation Before the School.

- (1) An officer or employee 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 School.
- (2) An officer or employee 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 School, whereby the compensation is to be dependent or contingent upon any action by the School with respect to such matter, provided, however, that the foregoing shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Private Employment in Conflict with Official Duties.

No officer or employee may engage in, solicit, negotiate for, or promise to accept any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment or service:

- (1) Reasonably can be expected to require more than sporadic recusal and abstention pursuant to Section 6 of this Code;

- (2) Reasonably can be expected to require disclosure or use of confidential information gained by reason of serving as an officer or employee;
- (3) Violates Section 805-a(1)(c) or (d) of the General Municipal Law as interpreted by this Code; or
- (4) Requires representation of a person or organization other than the School in connection with litigation, negotiations, or any other matter to which the School is a party.

F. Future Employment.

After termination of service or employment with the School, an officer or employee shall not:

- (1) Appear before the Board, in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment, or that was under his or her active consideration.
- (2) Ask for, pursue or accept a private employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the School officer or employee, either individually or as a member of Board, while the matter is pending or within 30 days following final disposition of the matter.

G. Prohibition on Use of School Position for Personal or Private Gain.

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

H. Use of School Resources.

School resources shall be used for lawful School purposes. School resources include, but are not limited to, School personnel, money, vehicles, equipment, materials, supplies, or other property.

I. Interests in Contracts.

- (1) No officer or employee may have an Interest in a contract that is prohibited by section 801 of the General Municipal Law.
- (2) Every officer and employee shall disclose Interests in contracts with the School at the time and in the manner required by Section 5 of this Code and as provided in General Municipal Law § 803.

V. DISCLOSURE OF INTEREST

- A.** Whenever a matter requiring the exercise of discretion comes before an officer or employee, 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 private organization in which he or she is deemed to have an Interest, the officer or employee shall promptly disclose in writing the nature of the Interest. Similarly, any officer who has, will have, or later acquires an Interest in any actual or proposed contract with the School shall publicly disclose the nature and extent of such Interest in writing to the Board as soon as she/he has knowledge of such actual or prospective Interest.
- B.** The disclosure shall be made when the matter requiring disclosure first comes before the officer or employee, or when the officer or employee first acquires knowledge of the Interest requiring disclosure, whichever is earlier.

VI. RECUSAL AND ABSTENTION

- A.** No officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion (including but not limited to discussion and voting) when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on him or herself, a Relative, or any other private organization in which he or she is deemed to have an Interest.
- B.** In the event that Section 6 of this Code prohibits an officer or employee from exercising or performing a power or duty:

 - (1) If the power or duty is vested in an officer as a member of the Board then the power or duty shall be exercised or performed by the other members of the Board.
 - (2) If the power or duty is vested in an officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
 - (3) If the power or duty is vested in an employee, he or she must refer the matter to the School leader, who shall designate another person to exercise or perform the power or duty.

VII. DISCLOSURE, RECUSAL AND ABSTENTION NOT REQUIRED

- A.** This Code's prohibition on the use of a School position, disclosure requirements and requirements relating to recusal and abstention shall not apply with respect to the following:

 - (1) Adoption of the School's annual budget;
 - (2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

- (a) All School officers or employees;
 - (b) All residents or taxpayers of the School or an area of the School; or
 - (c) The general public; or
- (3) Any matter that does not require the exercise of discretion.

B. Recusal and abstention shall not be required with respect to any matter:

- (1) which comes before the Board when a majority of the Board's total membership would otherwise be prohibited from acting by Section 6 of this Code; or
- (2) which comes before a School officer when the officer would be prohibited from acting by Section 6 of this Code and the matter cannot be lawfully delegated to another person.

VIII. PERSONAL REPRESENTATIONS AND CLAIMS PERMITTED

This Code shall not be construed as prohibiting a School officer or employee from:

- A.** Representing himself or herself, or his or her spouse or minor children before the School; or
- B.** Asserting a claim against the School on his or her own behalf, or on behalf of his or her spouse or minor children.

IX. POSTING AND DISTRIBUTION.

- A.** The School Leader must post a copy of this Code and a copy of any amendment to this Code conspicuously in the School building. The Code and any amendment must be posted within ten (10) days following the date on which the Code or amendment, as applicable, takes effect.
- B.** The School Leader must distribute a copy of this Code, including any amendments to the Code, to each person who is or becomes a School officer or employee.
- C.** Every School officer or employee who receives a copy of this Code or an amendment to the Code must acknowledge such receipt in writing in the form attached hereto. Such acknowledgments must be filed with the School which 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 any amendment. The failure of a School officer or employee to receive a copy of this Code or any amendment to this Code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the Code or amendment to the Code.

X. *FILING REQUIREMENT*

Within thirty (30) days of the Board's adoption of this Code or any amendment, the School shall file a copy of this Code or amendment, as applicable, with the Office of the State Comptroller.

XI. *ENFORCEMENT*

In addition to any penalty contained in any provision of law, any School officer or employee who violates this Code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

CODE OF ETHICS ACKNOWLEDGMENT

I, _____, an officer / employee of the School, do hereby acknowledge receipt of a copy of the Code of Ethics of the _____ School, this ___ day of __-, in the year 20____.

(Signature of officer / employee)

(Print name of officer / employee)

Effective date:

