

Personnel

Board of Trustees Policy

SUBJECT: Code of Ethics	NUMBER: 2.21
	DATE: August 20, 2018, Resolution #18-101
	SUPERSEDES: Resolution # 14-187 on November 17, 2014:

This policy document directly relates to Code of Ethics Policy, of the SCCC Board of Trustees, as hereto attached.

CODE OF ETHICS

The Schenectady County Community College Code of Ethics is established pursuant to Article 18 of the General Municipal Law and incorporates the standards set forth in sections 800 through 805a of Article 18 as well as the Schenectady County Code of Ethics. In so doing, Schenectady County Community College is ensuring that the highest level of ethical conduct becomes the standard for College officers, including all members of the Board of Trustees, and the College employees which, in turn, assures public confidence in the operation of the College.

a. Scope of the Code of Ethics

The scope of this Code shall be in addition to all other legal restrictions, standards, and provisions pertaining to the conduct of the College officers and employees. Every provision of this Code, except as expressly limited, shall apply to every College officer, including all members of the Board of Trustees, and employee, whether paid or unpaid.

b. Standard of the Code of Ethics

1. Except as provided in Section 802 of Article 18 of the New York State General Municipal Law, no College officer or employee shall have an interest in any contract with the College when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment there under, (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has the powers or duties set forth above.

2. Gifts: No College officer or employee shall, directly or indirectly, solicit any gift whether in the form of money, service loan, travel, entertainment, hospitality, thing or promise, or in any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part. In the absence of clear and convincing evidence to the contrary, it shall be presumed that gifts from any individual source having a total aggregate value of less than twenty-five dollars (\$25.00) during any single fiscal year is not a violation of this section.

3. Representation Before College Departments, Councils, Committees, or Boards: No College office or employee shall receive or enter into any agreement express or implied for compensation for service to be rendered in relation to any matter before the College or its affiliates. This section shall not apply to any College officer or employee who does not receive compensation by reason of his or her college position (except it shall apply to Trustees); nor shall it apply to any matter before the College or its affiliates in which the College or its affiliates does not possess discretion in deciding the matter.

4. Use of Position

a. No College officer or employee shall accept any outside employment or acquire any personal investment under circumstances in which an impression may reasonably be created that he or she will thereby be influenced in the conduct of his or her office; however, nothing contained herein shall prohibit any officer or employee from holding any position of employment with any other governmental body.

b. No College officer or employee shall use or attempt to use his or her official position to secure unwarranted benefits, privileges, or exemptions for themselves or others.

c. No officer or employee may use college equipment or facilities for furtherance of non-work-related activities without the express advance permission of their supervisor or unless the use falls within the college's acceptable use policy¹.

d. No College officer or employee shall take, or refrain from taking, any action on any matter before the College in order to obtain a financial or material benefit which gives the impression of favoritism in their official duties or which is based on kinship, rank, position, or influence for (1) himself or herself; (2) a family member; (3) any partnership or unincorporated association of which the college officer or employee is a member or employee, or in which he or she has a proprietary interest; (4) any corporation of which the College officer or employee is an officer or director or of which her or she legally or beneficially owns or controls more than 5% of the outstanding stock; (5) any person with whom the college officer or employee or his or her family member has an employment, professional, business, or financial relationship; or (6) any person from whom the college officer or employee, or his or her spouse, has received a financial or material benefit having an aggregate value greater than \$1,000 per year. Note: Board of Trustee members are precluded from voting on and must recuse themselves from employment actions (e.g. union contracts, promotions, appointments, reappointments, tenure, etc.) that affect family members or relatives.

e. No College officer or employee who, or whose spouse, owns or controls 5% or more stock in a firm, and no partnership or unincorporated association as defined in paragraph 5(d) (3) above, may do business with the College unless: (1) the value of the goods or services does not exceed \$500 per year; or (2) the goods or services are provided after public notice and competitive bidding.

f. Nothing in this paragraph 5 shall be construed to prohibit a College office or employee or any other person from receiving a College Service or benefit or using a College facility which is generally available to employees or to the general public.

¹ The College's Acceptable Use Policy may be found in the College's Computer Use Policies and Procedures.

5. Disclosure of Information: No College officer or employee shall 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.

6. Duty to Report: Every College official or employee shall report to the President and the Board any action, which may reasonably be interpreted as an improper attempt to influence him or her in the conduct of his or her office.

7. Employment Decisions: No officer or employee of the College may participate in any decision to hire, promote, discipline or discharge a relative for any compensated position at, for or with the College or its affiliates.

8. Financial Relationships between Supervisors and Subordinates: No officer or employee may have a financial or business relationship with a superior or subordinate with whom he or she works at the College.

9. No officer or employees of the College may engage in political activity, whether election-related or non-election related, on his or her work time; while acting in his or her official capacity as an officer or employee of the College; on College grounds (except where equal access for such political activity is allowed to all similarly situated persons); or with the use of other public resources, such as staff time, College office space and facilities, College equipment such as computers, copiers, and communications equipment, website, or College office supplies such as official stationery. Reference to "College" includes its affiliates.

10. Future Employment: After the termination of service or employment with the College or its affiliates, no College officer or employee shall appear or practice before any board, council, committee or department of the College, on behalf of a third party, for a period of one (1) year after termination of his or her services or employment. In relation to any contract, matter, case, proceeding, or application in which that person personally participated during his or her period of service or employment, or which was under the person's active consideration, the prohibition against any such appearance or practice shall be permanent. The prohibitions identified herein shall not apply if the third party being represented by the former College officer or employee is a governmental organization.

11. Workplace Relationships: No officer or employee may engage in or pursue a personal romantic or sexual relationship with a subordinate or with any of his/her students . Should such a relationship develop, the officer or employee must immediately disclose the relationship to a supervisor, Human Resources and/or the Title IX Coordinator, and must recuse him/herself from making any decisions relative to the subordinate or the student until such time as the conflict is resolved.

12. Nothing in the Code of Ethics shall be deemed to bar or prevent the timely filing by a present or former College officer or employee of any claim, account, demand, or suit

against the College on behalf of himself or any member of his or her family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

c. Disclosures Required by the Code of Ethics

1. Disclosure of Interest Concerning Outside Income and Employment: Every College officer, including every member of the Board of Trustees, or employee who has been identified as one who is authorized in the usual course of duties to exercise a substantial degree of discretion in financial or regulatory transactions with private entities, shall, within thirty (30) days after taking office and within (30) days after any change in the status of the matters hereinafter enumerated, provide to the Board or their designee a statement in writing identifying:

- The name of any business, company, and/or for-profit corporation which his or her and/or his or her spouse, and/or any of his or her children hold five (5) percent of more of the interest of stock.
- Self-employment or employment by, or membership in or on the board of directors of any corporation, partnership, association, person or other entity from which her or she derives gross income in excess of five hundred (\$500.00) dollars per year.

Such statements of disclosure shall be matters of public record and shall be made available to the public as requested through Article 6 of the New York State Public Officers Law (Freedom of Information Law).

2. Disclosure of Private Interest in College Business: To the extent that he or she knows thereof, any officer or employee of the college, whether paid or unpaid, who participates in a discussion with or gives an official opinion to the Board shall disclose the nature and extent of any direct or indirect financial or other private interest he or she has in such matter in a concise written statement to the Chairman of the Board, who shall direct such statement be part of the official record of the meeting of the Board.

3. When an officer or employee must take official action on a matter in which he or she has a substantial economic interest distinct from that of the general College, he or she should consider divesting him or herself of that interest, if she or she feasibly can do so without undue hardship. If he or she does not divest himself of such interest, he or she shall disclose it in a concise written statement to the Chairman of the Board, who shall direct such statement be part of the official record of the meeting of the Board. Considering both the seriousness of any possible inference of impropriety, he or she should abstain from participation in such action if he or she is not divesting the interest.

d. Violations of the Code of Ethics; Implementation

1. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any provisions of this Code or that of Article 18 of

the General Municipal Law may be fined, suspended or removed from office or employment as the case may be, in the manner provided by law.

2. There shall be an Ethics Officer appointed by the President who shall be responsible for the day to day administration, interpretation and application of this policy.

e. Distribution of Code of Ethics; Training

The President shall cause a copy of this Code of Ethics to be compiled with Article 18, sections 800-805a, of the General Municipal Law and such other matter as he or she shall deem relevant and shall cause a copy of such compilation to be distributed to every officer and employee of the College within 30 days after formal adoption of this policy or as soon as may be practicable, and then annually thereafter. Every officer and employee elected or appointed thereafter shall be furnished a copy of such compilation within 10 days after entering upon the duties of his or her office or employment. All persons so furnished shall acknowledge receipt of this compilation by signing the Code of Ethics Acknowledgement Form (Appendix A). All persons covered under this policy shall undergo training on it within 90 days of its adoption, and within thirty (30) days of hire, and biennially thereafter.

Acknowledgment and Certification of Compliance with the Code of Ethics
(to be signed and returned at time of initial and annual distribution of code)

This is to acknowledge that I have received and reviewed Schenectady County Community College's (SCCC) Code of Ethics. I agree to comply with the standards contained in the Code and all related policies and procedures as is required as part of my continued employment or association with SCCC.

I acknowledge that the Code is only a statement of principles for individual and business conduct and does not constitute an employment contract.

I will report any potential violation of which I become aware promptly to my supervisor, Ethics Officer, Chief of Staff or College Attorney. I understand that any violation of the Code of Ethics is grounds for disciplinary action, up to and including discharge from employment.

Date: _____

Printed Name: _____

Signature: _____