

TRUSTEE ETHICS CODE **& CONFLICT OF INTEREST POLICY**

Approved by Board on 4/28/22

Trustee Ethics Code

Every Trustee of the South Country Library Board of Trustees shall be subject to and abide by the following standards of ethical conduct:

1. Trustees, in the capacity of trust upon them, shall observe ethical standards with absolute truth, integrity and honor.
2. Trustees are prohibited from acquiring a Board position or using their Board position for the purposes of furthering their own personal or special interests. It is incumbent upon any Trustee to disqualify himself/herself immediately whenever the appearance of a conflict of interest exists. Each individual shall disclose to the Board or Library Director any personal interest or personal history which he or she may have in any matter pending before the Board and shall refrain from participation in any decision on such matter. Failure to disclose a potential conflict of interest of any kind, financial or otherwise, may be considered grounds for removal from the Board. What constitutes a conflict of interest and the manner in which disclosure must be made is detailed further and governed by the Library's *Conflict of Interest Policy*.
3. A Trustee must respect the confidential nature of Library business, while being aware of, and in compliance with, applicable laws governing freedom of information. Trustees shall not disclose confidential information acquired in the course of their official duties or use such information to further their personal interests. Disclosure of information obtained in Executive Session is specifically prohibited.
4. In accordance with the *Handbook for Library Trustees of New York State*, the following guidelines for Trustee conduct are to be followed explicitly by all Trustees.
 - A. Collective Authority: The Board's authority to manage the affairs of the Library is a collective, not individual, authority. All actions of the Board shall be of the Board as a unit. No Board member shall act or speak on behalf of the Board, on any matter, without prior approval of the Board. No Board member by virtue of his/her office shall exercise any administrative responsibility with respect to the Library nor, as an individual, command the services or make requests of any Library employee.
 - B. The Board's directions and intentions are communicated to the Library Director through the President of the Board or through official actions at a

Board meeting. Individual Trustees will refrain from issuing specific instructions to the Director at Board meetings and especially between meetings. Such individual directions are inconsistent with the concept of collective Board authority.

- C. The Director is the only employee overseen by the Board. The day-to-day management of the Library, including the management of staff, is the Library Director's responsibility. Trustees shall not interfere with any of the management responsibilities of Library administration or the supervision of Library staff.
 - D. Trustee relationships with Library staff are expected to be supportive and friendly, but kept to a professional distance at all times.
 - E. Trustees are expressly prohibited from any conduct that undermines or interferes with the Director's administrative responsibilities in overseeing the management of Library operations and of Library employees.
5. Trustees must distinguish clearly in their actions and statements between their personal philosophies, convictions and attitudes and those of the institution and of their professional duty to the institution. Trustees must never allow their personal beliefs, personal interests, personal grievances or personal circumstances to interfere with fair representation of the aims of the Library. Trustees must acknowledge the formal position and decisions of the Board even if they personally disagree. Board members should never denigrate the organization or fellow Board members or Library employees in any public arena.
 6. Trustees shall respect the opinions of their colleagues and of Library administration, and will not be critical or disrespectful when they disagree or oppose a viewpoint different than their own. Trustees must maintain civil conduct and discourse as a member of the Library Board. Any Trustee conduct or motivations perceived to be of a harassing, retaliatory or discriminatory nature toward other Board members or toward Library administration will not be tolerated.
 7. Board members should not engage in discrimination of any kind including that discrimination based on race, class, ethnicity, age, religion, sex, sexual orientation, or belief system.
 8. Trustees have a special obligation to be fully committed to intellectual freedom and to ensure the free flow of information and ideas to both present and future generations. Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of Library materials by groups or individuals.
 9. Each Trustee shall, upon taking their position and for each subsequent year of their term(s), sign a statement which affirms that such person has received a

copy of the Ethics Code; has read the Code and has agreed to comply with the Code.

10. Failure to abide by the Library's Trustee Ethics Code may be considered grounds for removal from the Board of Trustees. As provided in Education Law 226; subdivision 8, the Board may remove a Trustee for misconduct, incapacity, neglect of duty or refusal to carry into effect the library's educational purpose. If the Board has reasonable cause to believe that a Trustee has violated the Ethics Code and/or has engaged in conduct covered by Education Law 226; subdivision 8, it shall inform the person of the basis for its belief and allow the person an opportunity to explain the alleged violation. In addition to any penalty contained in any other provision of law, any Trustee who has been deemed to have knowingly and intentionally violated any of the provisions of this Code may be suspended or removed from office by a majority (4 of 7) vote of the Board.

Trustee Ethics Code: Affirmation of Compliance

I have received and carefully read the Trustee Ethics Code for the South Country Library Board members. By signing this Affirmation of Compliance, I hereby affirm that I understand and agree to comply with the Trustee Ethics Code.

Name (Print): _____

Name (Sign): _____

Date: _____

Trustee Conflict of Interest Policy

1. Obligations of Trustees

Trustees of the Library have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes the framework within which the Library wishes its business to operate. Trustees are forbidden from acquiring a Board position or using their Board position for the purposes of furthering their own personal or special interests. Trustees must avoid situations in which personal interests might be served or financial benefits gained as a result of their position, or their access to privileged Library information, for either themselves or others. Trustees shall not use their position to gain unwarranted privileges or advantages for themselves or others from the Library or from those who do business with the Library.

2. Duty to Disclose

If a Trustee has any influence on decisions regarding Library employees whom he or she may have a personal history with or special interest in, or has any influence on transactions involving library purchases, contracts, or leases from which he or she may gain financially in a material amount, he or she has a duty to disclose to the President of the Board or to the Library Director, the existence of any actual or potential conflict of interest, and to recuse themselves from the relevant decision-making process. It is imperative to note that conflicts of interest include both *actual* conflicts, as well as the *appearance* of a conflict. Failure to disclose a potential conflict of interest of any kind, financial or otherwise, may be considered grounds for removal from the board.

3. What Constitutes Conflict of Interest

A conflict of interest occurs when a Trustee's private or personal interests – including social factors, family, friendships, or financial factors – could compromise or appear to influence his or her judgment, decisions, motivations or actions in the objective exercise of their official duties on the board. Trustees must make decisions fairly, neutrally and objectively for the best interests of the library institution, with complete transparency and without regard for their own personal objectives or gains. An actual or potential conflict of interest occurs when a Trustee is in a position to influence a decision that may further any of their own personal interests, agendas or personal circumstances, or result in a personal gain as a result of the Library's business dealings, for either the Trustee or for an immediate family member. For the financial purposes of this policy, a Trustee has an interest in a proposed *transaction* if he or she has a financial interest in it in a material amount, or has a financial interest in any organization involved in the proposed transaction, or holds a position as Trustee, director, or principal officer in any such organization or receives any indirect remuneration or gifts or favors.

(a) No Trustee shall participate in any decision-making involving any Library employee with whom they may have, or may appear to have, a personal history with, special interest in, relationship or personal grievance. All such personal matters *must be disclosed* to the President of the Board or Library Director and the Trustee must recuse themselves from all relevant decision-making.

(b) *Gifts.* No Trustee shall directly or indirectly solicit or receive any money, whether in the form of cash, check, loan, credit, or any other form in any amount, or solicit any gifts, or accept or receive any individual annual gift, having a value of seventy-five dollars or more, whether in the form of services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the money or gift was intended to influence or could be reasonably expected to influence, him or her in the performance of official duties or was intended as a reward for any official action.

(c) *Confidential Information.* No Trustee shall disclose confidential information acquired in the course of official duties or use such information to further a personal interest.

(d) *Disclosure of Interests in Contracts.* To the extent known, any Trustee of the Library who has, will have, or subsequently acquires any interest in any contract with the Library shall publicly disclose the nature and extent of such interest in writing to the Library Board as well as to his or her immediate supervisor as soon as he or she has knowledge of such actual or prospective interest.

(e) *Investments in Conflict with Official Duties.* No Trustee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict.

(f) *Private Employment.* No trustee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her Trustee duties.

(g) *Prohibited Financial/Contractual Conflicts of Interest.* No Trustee shall have an interest in any contract between the Library and a corporation or partnership of which he or she is an officer or employee when such Trustee has the power to (a) negotiate, prepare, authorize, or approve the contract or authorize or approve payment there under (b) audit bills or claims under the contract (c) appoint an officer or employee who has any of the powers or duties set forth above, and, no chief fiscal officer, treasure, or his or her deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the Library of which he or she is a Trustee. The provisions of this action shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any Trustee in one or more positions of public employment, the holding of which is not prohibited by law.

(h) *Certain Interests Prohibited.* No Trustee of the Library who has an interest in any real property, either individually or as an officer or employee of a corporation or partnership shall participate in the acquisition or plan for acquisition of said property or any property adjacent to said property by the Library. The term participation shall include the promotion of the site as well as the negotiation of the terms of acquisition.

(i) No Library Trustee shall use or permit the use of property owned or leased to the Library for other than official purposes or for activities not otherwise officially approved by the Library Board.

4. Determining Whether a Conflict of Interest Exists

A Trustee shall complete the affirmation of compliance form upon taking office and refile the form each year in office.

5. Procedures for Addressing a Conflict of Interest

If the Board has cause to believe that a Trustee has an actual or potential conflict of interest as described in this policy, or has knowingly failed to disclose an actual or potential conflict of interest, it shall inform the person of the basis for its belief and allow the person an opportunity to explain. When there is doubt as to whether a conflict exists, the matter shall be resolved by vote of the Library Board of Trustees, excluding the person or persons concerning whose situation the doubt has arisen.

6. Violation of the Conflict of Interest Policy

As provided in Education Law 226; subdivision 8, the Board may remove a trustee for misconduct, incapacity, neglect of duty or refusal to carry into effect the library's educational purpose. A Trustee who has been deemed to have knowingly and intentionally violated any of the provisions of this policy may be suspended or removed from office for misconduct by a majority (4 of 7) vote of the board.

7. Affirmation of Compliance Statement

Each Trustee shall, upon taking their position and for each subsequent year of their term(s), sign a statement which affirms that such person has received a copy of the conflict of interest policy; has read the policy and has agreed to comply with the policy.

Trustee Conflict of Interest Policy: Affirmation of Compliance

I have received and carefully read the Conflict of Interest Policy for the South Country Library board members. By signing this Affirmation of Compliance, I hereby affirm that I understand and agree to comply with the Conflict of Interest Policy.

If any situation should arise in the future that I think may involve me in a conflict of interest, I will promptly and fully disclose (in writing) the circumstances to the President of the Board of Trustees or to the Library Director, as applicable.

Please check one:

I hereby state that I do not have any actual or potential conflicts of interest at the Library involving personal matters or business dealings as described in this binding policy, nor does any relative of mine have such a potential conflict of interest that has not been previously disclosed. I acknowledge the potential consequences of failing to disclose any form of conflict of interest described in this policy.

I believe that I may have a potential conflict of interest. Please explain.

Name (Print): _____

Name (Sign): _____

Date: _____