

***CODE OF ETHICS/CONFLICT OF
INTEREST POLICY***

Policy Adopted: 12.03.14
Review Date: 2017

Purpose

The Liverpool Public Library Board of Trustees (hereinafter, “Library Board”) recognizes its obligation, under the provisions of New York General Municipal Law, to adopt a code of ethics setting forth the standards of conduct required of all Library officers and employees. The Library Board is committed to avoiding any situation in which the existence of simultaneous, conflicting interests of any Library Trustee or employee may call into question the integrity of the management or operation of the Library. The Library Board affirms its commitment to adhere scrupulously to all applicable provisions of law regarding material conflicts of interest.

Prohibited Activities

Gifts: No Library Trustee or employee shall directly or indirectly solicit, accept, or receive any money or gift having a value of \$75 or more, whether in the form of cash, check, loan, credit, services, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the money or gift was intended 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.

Confidential Information: No Library Trustee 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 interest. In addition, he or she shall not disclose information regarding any matters discussed in an executive session of the Library Board regardless of whether or not such information is deemed confidential.

Representation Before the Board: A Library Trustee 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 Library Board.

Representation Before the Board for a Contingent Fee: A Library Trustee 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 Library Board, whereby the compensation is to be dependent or contingent upon any action by the Library Board 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 the services rendered.

Disclosure of Interest in Matters Before the Board: A member of the Library Board and any officer or employee of the district, whether paid or unpaid, who participates in the discussion or gives official opinion to the Library Board on any matter before the Library Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he or she has in such matter. The term “interest” means a pecuniary or material benefit accruing to an officer or employee.

Disclosure of Interests in Contracts: To the extent known, any Library Trustee or

employee who has, or 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 as well as to the Library Director as soon as he or she has knowledge of such accrual or prospective interest.

Investments in Conflict with Official Duties: No Library Trustee or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction that creates a conflict with his or her official duties.

Prohibited Conflicts of Interest: No Library Trustee or employee 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 Library Trustee or employee has the power to negotiate, prepare, authorize or approve the contract or authorize or approve payment there under, audit bills or claims under the contract, or appoint an officer or employee who has any of the powers or duties set forth above, and no chief fiscal officer, treasurer 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 Library funds of which he or she is an officer or employee. The provisions of this action shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any Library Trustee or employee in one or more positions of public employment, the holding of which is not prohibited by law.

Certain Prohibited Actions: No person employed by the Library shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this policy, reassignment or transfer will be effected in accordance with the applicable provisions of any collective bargaining agreement to correct the situation.

Private Employment: No Library Trustee or employee 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 official duties.

Future Employment: No Library Trustee or employee shall, after the termination of service or employment with the Library Board, appear before the Library Board or any panel or committee of the Library 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. This shall not bar or prevent the timely filing by a present or former Library Trustee or employee of any claim, account, demand or suit against the Library on his or her own behalf of any member of his or her family arising out of any personal injury or property damage or for any unlawful benefit authorized or permitted by law.

Use of Library Property: No Library Trustee or employee shall use or permit the use of property, owned or leased to the Library, for anything other than official purposes or for activities not otherwise officially approved by the Library Board.

Outside Employment Limitations: No Library Trustee or employee may engage in outside employment or any other outside activity that conflicts with a Trustee's or employee's official duties. A Library Trustee or employee may not receive compensation from any source other than the Library for teaching, speaking or writing that "relates" to the Trustee's or employee's official duties. Library Trustees or employees may not use Library property, nonpublic information or time (including the time of a subordinate) for other than authorized purposes.

Related Party Transactions. The Library Board shall not enter into any related party transaction unless the transaction is determined by the Library Board to be fair, reasonable and in the Library's best interest, after the director, Library Trustee or key employee who has an interest in such transaction has disclosed in good faith to the Library Board the material facts concerning such interest.

Standards of Conduct

Library Trustees and employees shall:

- a. Endeavor to pursue a course of conduct which shall not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust;
- b. Provide the highest level of service to all Library users through appropriate and usefully organized resources, equitable service policies, equitable access, and accurate, unbiased, and courteous responses to all requests;
- c. Uphold the principles of intellectual freedom and resist all efforts to censor Library resources;
- d. Protect each Library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted, consistent with existing law;
- e. Recognize and respect intellectual property rights;
- f. Avoid situations in which personal interests might be served or financial benefits gained at the expense of Library users, colleagues or the Library; and
- g. Distinguish between one's personal convictions and professional duties and not allow personal beliefs to interfere with fair representation of the aims of the Library or the provision of access to Library resources.

Handling Conflicts of Interest

- a. Full disclosure, by notice in writing, shall be made by the interested parties to the full Library Board in all conflicts of interests, as defined above. Any Library Trustee or employee who has knowledge of a violation of the Code of Ethics by any other employee or Library Trustee or knows of or perceives a direct or indirect conflict of interest, shall report such information to the Library Director. If the incident involves the Library Director, the Library Trustee or employee shall report such information to the President of the Library Board.
- b. Following full disclosure of a possible conflict of interest or any condition listed above, the Library Board shall determine whether a conflict of interest exists and, if so, the Library Board shall vote to authorize or reject the transaction or take any other action deemed necessary to address the conflict and protect the Library's best interest. If the conflict involves a related party transaction, the Library Board shall consider alternative transactions to the extent available and shall document, in writing, the basis for its approval and its consideration of alternatives. Voting on such matters shall be by a majority vote without counting the vote of any

interested Library Trustee, even if the disinterested Library Trustees are less than a quorum provided that at least one consenting Library Trustee is disinterested.

- c. An interested Library Trustee, director or employee shall not participate in or be present during any discussion or debate of the Library Board, or of any committee or subcommittee thereof in which the subject of discussion is a contract, transaction, or situation in which there may be a perceived or actual conflict of interest.
- d. Any interested Library Trustee, director or employee is hereby prohibited against making any attempt to influence improperly the deliberation or voting on the matter giving rise to the conflict of interest.
- e. The existence and resolution of the conflict of interest shall be documented in the Library's personnel records and the Library Board minutes for any meeting at which the conflict was discussed or voted upon.
- f. A copy of this policy shall be given to each Library Trustee, director and employee upon the commencement of the person's relationship with the Library or at the official adoption of the instant policy. Each Library Trustee, director and employee shall annually sign a statement which affirms that such person (a) has received a copy of the conflicts of interest policy, (b) has read and understands the policy, and (c) has agreed to comply with the policy. Failure to sign does not nullify the policy.

Penalties

In addition to any penalty contained in any other provision of law, a Library Trustee or employee who shall knowingly and intentionally violate any of the provisions of this Code of Ethics and Conflict of Interest Policy may be subject to disciplinary action up to and including the imposition of fines, suspension, and/or dismissal in the manner provided by Library policy, collectively negotiated agreement, and applicable law.

Nothing in this policy shall be deemed to diminish or impair the rights of an employee or the Library under any law, rule, regulation or collectively negotiated agreement or to prohibit any personnel action which otherwise would have been taken regardless of any Code of Ethics violation.