



BOARD OF TRUSTEES

CODE OF PROFESSIONAL ETHICS

Article I: Purpose

The purpose of the Board of Trustees Code of Professional Ethics is (i) to protect the interest of Suffolk County Community College (“College”); (ii) to provide guidance to the members of the Board of Trustees in the exercise of their fiduciary duties; (iii) to provide a procedure for disclosure of potential conflicts of interest, (iv) to establish minimum standards of conduct; and (v) to create an Ethics Board for the Board of Trustees. This policy is intended to supplement, but not replace, any applicable state laws governing conflicts of interest applicable to the Trustees of Community Colleges in New York State, including, but not limited to, NYS Public Officers Law (“POL”) and NYS General Municipal Law (“GML”). For a Student Trustee, this policy supplements the Suffolk County Community College Student Code of Conduct.

Article II: Definitions

“Conflict of Interest” shall mean that a member of the Board of Trustees has existing or potential financial or other interests which impair or might reasonably appear to impair such Trustee’s independent, unbiased judgment in the discharge of his or her responsibilities to the College, or such Trustee is aware that a member of his or her family or any organization in which such Trustee (or member of his or her family) is an officer, director, employee, member, partner, trustee, or controlling stockholder, has such existing or potential financial or other interest.

“Fiscal Year” shall mean each year commencing on September 1 and ending the following August 31.

“Member of family” shall mean a spouse, a domestic partner, parents, siblings, children, and any other relative or person who resides in the same household as the Trustee.

“Prohibited Activity” shall mean and include:

1. No Trustee shall accept employment which will impair his or her independence of judgment in the exercise of his or her official duties. [POL §74 3(a)]
2. No Trustee shall accept employment or engage in any business or professional activity which will require the Trustee to disclose confidential information which he or she has gained by reason of their official position or authority at the College. [POL §74 3(b)]
3. No Trustee shall disclose confidential information acquired by him or her in the course of official duties, and no Trustee shall use such information to further his or her personal interests. [POL §74 3(c)] [GML §805-a (b)]

4. No Trustee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including employment opportunities at the College. [POL §74 3(d)]
5. No Trustee shall engage in any transaction as representative or agent of the College with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of official duties. [POL §73 3(e)]
6. No Trustee shall by his or her conduct give reasonable basis for the impression that any person can improperly influence the Trustee or unduly enjoy his or her favor in the performance of official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person. [POL §74 3(f)]
7. A Trustee shall abstain from making personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by the Trustee or which will otherwise create substantial conflict between the Trustee's duty in the public interest and his private interest. [POL §74 3(g)]
8. A Trustee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of trust. [POL §74 3(h)]
9. No Trustee shall directly or indirectly solicit any gift, or accept or receive any gift having a value of seventy-five (\$75.00) dollars or more, 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 expected to influence him or her in the performance of official duties, or was intended as a reward for any official action on his or her part. [GML §805-a(1) (a)]
10. No Trustee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the Board of Trustees or the College. [GML §805-a(1) (c)]
11. No Trustee shall allow his or her outside position or profession to influence or interfere with such officer's fiduciary obligations to the College.

Article III: Standard of Conduct and Procedures

1. A Trustee shall disclose any Conflict of Interest and all material facts at a meeting of the Board of Trustees. After disclosure of any such Conflict of Interest and all material facts, the Trustee shall leave the meeting at which the disclosure is made, and the Board shall determine, by a vote of those present, whether a Conflict of Interest exists. If the Board determines that a Conflict of Interest exists, it may approve the transaction or arrangement if, after any further investigation, it appears that the transaction or arrangement is in the best interests of the College. The interested Trustee shall not be present during the discussion nor participate in the vote.
2. No Trustee shall engage in Prohibited Activity.

3. Any Trustee who has, will have, or later acquires an interest in any actual or proposed contract with the College shall publicly disclose the nature and extent of such interest in writing to the Board of Trustees as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and be set forth in the official record of the proceedings of the Board of Trustees. Once a disclosure has been made with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such Trustee with respect to additional contracts with the same party during the remainder of the fiscal year. [GML §803(i)]

Article IV: Nepotism

1. No Trustee may participate in any decision specifically to appoint, hire, promote, grant tenure to, discipline or discharge a relative for any position at, for or within the College.
2. No Trustee may supervise a relative in the performance of the relative's official powers or duties.
3. In the event a Trustee's relative is appointed, hired, promoted or granted tenure by the College, such circumstance shall be publicly disclosed at a meeting of the Board of Trustees.

Article V: Ethics Board

1. There is hereby established an Ethics Board for the Board of Trustees. The Ethics Board shall consist of three members, appointed by the Board of Trustees. The members of the Ethics Board shall receive no salary or compensation for their services as members of the Ethics Board.
2. The members of the Ethics Board shall serve for fixed, staggered terms of five years; with the first members so appointed serving for terms of five years, four years and three years, respectively. No member of the Ethics Board shall be an officer or employee of the College. Any member of the Ethics Board may be removed, for cause, at the discretion of the Board of Trustees.
3. No more than two members of the Ethics Board shall be enrolled members of the same political party.
4. The Ethics Board shall have the confidential advice of legal counsel retained by the Board of Trustees or the College General Counsel, or designee, and the administrative assistance of a staff employee of the College.

Article VI: Powers and Duties of Ethics Board of the Board of Trustees

The Ethics Board shall have the following powers and duties:

1. To prescribe and promulgate rules of procedure for the discharge of its duties;
2. To render advisory opinions pursuant to this Code;

3. Upon receipt of a complaint by any person alleging a violation of this Code, to conduct investigations and hearings, recommend disciplinary action, assess penalties and make referrals, as appropriate;
4. The Ethics Board shall acknowledge receipt of all complaints that it receives, and shall proceed with reasonable promptness to conduct such investigations thereof, as it deems necessary or appropriate. Procedural due process shall be afforded to any individual who is the subject of a complaint pursuant to this Code.
5. In conducting any such investigation, the Ethics Board may administer oaths or affirmations, subpoena witnesses, and require the production of records that it deems relevant and material.
6. Complainants shall be afforded such whistleblower protections as may be provided by College policy and any applicable laws, rules or regulations.
7. The Ethics Board shall set forth, in writing, the disposition of every complaint it receives and the reasons for the disposition.
8. Any person filing a complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.

Article VII: Assessment of Penalties; Referral to Prosecutor

1. Upon a determination of the Ethics Board that any member of the Board of Trustees, except the Student Trustee, has willfully and knowingly violated any provision of this Code of Ethics, the Ethics Board shall make a recommendation to the Trustee's appointing authority that such Trustee be suspended or removed from the Board of Trustees, or make such other recommendation for a penalty as the Ethics Board may deem appropriate under the circumstances.
2. Upon a determination of the Ethics Board that a Student Trustee has willfully and knowingly violated any provision of this Code of Ethics, the Ethics Board shall make a recommendation to the Office of the Vice President of Student Affairs that such Student Trustee be suspended or removed from the Board of Trustees, or make such other recommendation for a penalty as the Ethics Board may deem appropriate under the circumstances.
3. The Ethics Board may refer to the appropriate prosecutor any matter that, in the judgment of the Ethics Board, might involve criminal misconduct. If such a referral is made, the Ethics Board shall defer taking any further action in the matter pending a determination by the prosecutor that the matter will or will not result in a prosecution.

Board of Trustees
March 16, 2017