



Regulation of the Chancellor

Category: **ETHICS**

Issued: 5/11/12

Number: **D-125**

Subject: Ethics Code for Voting Members and Nominees of the Citywide Council on Special Education; the Citywide Council on High Schools; the Citywide Council on English Language Learners; and the District 75 Council

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SUMMARY

This is a new regulation.

ABSTRACT

The following is the Ethics Code which applies to all voting members of the Citywide Council on Special Education, the Citywide Council on High Schools, the Citywide Council on English Language Learners, and the District 75 Council, as well as all nominees for the citywide councils. This Ethics Code does not apply to staff of any of the councils, including the staff of the community education councils, as all of these staff members are covered by the much more restrictive New York City Conflicts of Interest Law, which is applicable to all Department of Education employees. Council staff also must adhere to all of the Chancellor's regulations, including but limited to, the Conflicts of Interest Regulation, C-110. Voting Community Education Council members are also covered by the New York City Conflicts of Interest Law, Chancellor's Regulation C-110, and all other applicable Chancellor's regulations.

I. ETHICS CODE – VOTING MEMBERS OF THE CITYWIDE COUNCILS AND THE DISTRICT 75 COUNCIL

This regulation contains the provisions that voting members of: the Citywide Council on Special Education ("CCSE"); the Citywide Council on High Schools ("CCHS"); the Citywide Council on English Language Learners ("CCELL"); and the District 75 Council ("D 75"), collectively referred to as "citywide council members", must comply with, effective immediately.

- A. Citywide council members may not accept a gift or anything of monetary value from any person, firm, organization or business doing business with or negotiating to do business with their council.
- B. Citywide council members may not work for a person, firm, organization, or business that is negotiating to do business, or already does business with the Department of Education¹ ("DOE"), if their job requires them to communicate with and/or appear before the DOE, unless they disclose this information, in writing, to the Division of Family and Community Engagement ("FACE") and the DOE Ethics Officer, and obtain written permission from the DOE Ethics Officer to obtain or hold the position. Additionally, citywide council members may not participate in council discussions or vote on any matters concerning the person, firm, organization, or business.
- C. Citywide council members may not own or operate a firm, organization, or business that is negotiating to do business, or already does business with the DOE, unless they disclose this information, in writing, to FACE and the DOE Ethics Officer, and obtain written permission from the DOE Ethics Officer to obtain or hold the ownership or position. Additionally, citywide council members may not participate in council discussions or vote on any matters concerning the firm, organization, or business.
- D. Citywide council members may not hold a volunteer position as an officer of an organization that is negotiating to do business or already does business with the DOE, and communicate with and/or appear before the DOE in their volunteer position, unless they disclose this information, in writing, to FACE and the DOE Ethics Officer, and obtain written permission from the DOE Ethics Officer to obtain or hold the position. In addition, citywide council members may not participate in council discussions or vote on any matters concerning the organization.
- E. Permission for citywide council members to engage in the activities discussed in B, C, and D will only be granted if the Chancellor or the Chancellor's designee determines the

¹ The definition of doing business with the DOE is: Any transaction with the DOE involving the sale, purchase, rental, disposition, or exchange of any goods, services, or property, any license, permit, grant or benefit, and any performance of or litigation with respect to any of the foregoing, but shall not include any transaction involving the council member's residence or any ministerial matter.

activities do not conflict with the citywide council members' council duties, and the activities do not conflict with the purposes or interests of the citywide council.

- F. Citywide council members may not use or attempt to use their council position, or take any action as a council member, that will financially or otherwise benefit themselves, a "near relative", as defined in Chancellor's Regulation C-110, Section IV(C)(2),² a business they own or work for, an organization where they serve as an officer, or anyone with whom they have a financial relationship.
- G. Citywide council members may not use their council titles to financially or otherwise benefit themselves, a near relative, a business they own or work for, an organization where they serve as an officer, or anyone with whom they have a financial relationship.
- H. Citywide council members may not use confidential council information for non-council purposes or disclose it to a private person, firm, or organization.
- I. Citywide council members may not use DOE or council resources for non-council purposes.
- J. Citywide council members may not use their council position or title to help a political candidate, political campaign, or political party. See also Chancellor's Regulation D-130 on political activities.
- K. Citywide council members may not act as lawyers or advocates for a private interest or as experts against the DOE's interest in any lawsuit or administrative hearing, except on behalf of their own children.
- L. Citywide council members may not engage in any business, transaction, political, or professional activity that interferes with the proper discharge of their duties.
- M. Citywide council members may not discuss possible future employment with a firm or organization their council is currently working with unless they inform the Council President and DOE Ethics Officer in writing that they are recusing themselves from any involvement with the firm or organization as part of their duties as a Council member during the negotiations.
- N. Citywide council members are under a continuing obligation to contact the appropriate DOE personnel with updates regarding their employment and other activities, as outlined herein, during their entire term of office.
- O. All citywide council members have an affirmative obligation to report violations of this code to the DOE Ethics Officer. Any council member who violates any provision of this regulation or other applicable regulation will be subject to immediate removal by FACE.
- P. A council member who has been removed by FACE may appeal this removal to the Chancellor or the Chancellor's designee.

II. ETHICS CODE - NOMINEES FOR THE CITYWIDE COUNCILS AND THE DISTRICT 75 COUNCIL

- A. The Chancellor or the Chancellor's Designee can deem nominees ineligible to run for, or be appointed to a citywide council, or serve on a citywide council, based on conflicts of interest regarding their outside activities relating to the DOE. Nominees will be deemed ineligible to run, be appointed, or serve on the citywide councils if the Chancellor or the Chancellor's designee determines the activities would conflict with the citywide council members' council duties, and the activities conflict with the purposes or interests of the citywide council.
- B. The Chancellor or the Chancellor's Designee can deem nominees ineligible to run for, or be appointed to, a citywide council, or serve on a citywide council, based on violations of this regulation.

² "Near relative" shall mean a parent, spouse, registered domestic partner, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, or the spouse or child of any of them or a person bearing the same relationship to the employee's spouse or registered domestic partner.

III. WAIVERS

Under special circumstances, citywide council members and nominees for citywide councils may obtain waivers of provisions of this regulation from the Chancellor or the Chancellor's Designee.

IV. CHANCELLOR'S DESIGNEE

For purposes of this regulation, the DOE Ethics Officer is the Chancellor's Designee.

V. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

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| <u>Telephone:</u> | <i>Ethics Officer</i> <i>Office of Ethics and Conflicts of Interest</i> N.Y.C. Department of Education 52 Chambers Street – Room 308 New York, NY 10007 | <u>Fax:</u> |
| 212-374-3438 | | 212-374-5596 |