

Pine Plains Free Library

VI. F. Conflict of Interest Policy

1. Statement of Purpose

The purpose of this Conflict of Interest Policy is to protect the interest of the Pine Plains Free Library when it is contemplating entering into a transaction or arrangement that might benefit the private interest of one of its Board members and officers, committee and task force members, volunteers or employees. This policy is intended to supplement but not replace any applicable federal, state or local laws governing conflicts of interest applicable to nonprofit and charitable corporations. It is to establish the procedures and rules applicable to the identification and resolution of any such conflict of interest.

2. Definitions

“Interested Person”: Any Board member or officer, committee or task force member, volunteer, or employee, who has a direct or indirect financial interest, as defined below, is an Interested Person.

“Financial Interest” means a direct or indirect pecuniary or material benefit accruing to a trustee or employee as the result of contract with the library which such a trustee or employee serves.

3. Applicability.

This policy applies to the trustees and employees of the Pine Plains Free Library and shall supersede any prior library code of ethics. The provisions of this ‘code of ethics’ shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Library Law and all rules, regulations, policies and procedures of the Pine Plains Free Library.

4. Recusal and Abstention.

No trustee or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

5. Use of Library Resources

- (a) Library resources shall be used for lawful library purposes. Library resources include, but are not limited to, library personnel, and the library’s money, equipment, materials, supplies and other property.
- (b) No trustee or employee may use or permit the use of library resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - (1) any use of library resources authorized by law or library policy;
 - (2) the use of library resources for personal or private purposes when provided to a trustee or employee as part of his or her compensation;
 - (3) the occasional and incidental use during the business day of library telephones and computers for necessary personal matters such as family care and changes in work schedule.
 - (4) No trustee or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

6. Nepotism.

Except as otherwise required by law:

No trustee or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for, or within the library or a library board.

7. Gifts.

- (a) No trustee or employee shall solicit, accept or receive a gift in violation of section 805-a (1)(a) of the General Library Law.
- (b) No trustee or employee may directly or indirectly solicit any gift.
- (c) No trustee or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:
 - (1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
 - (2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - (3) the gift is intended as a reward for any official action on the part of the officer or employee.

8. Procedure – Apparent Conflict of Interest

- (a) **Duty to Disclose:** An Interested Person who discovers that he or she has an actual or potential conflict of interest as described above shall:
 - (1) fully, completely and immediately disclose the existence of such conflict of interest to the Board of Trustees or committee; and
 - (2) excuse himself or herself from all discussions, deliberations, and proceedings relating to the activity that is the subject of the actual or potential conflict of interest.
- (b) **Determining Whether a Conflict of Interest Exists:** After disclosure of the financial interest and all material facts, and after any discussion with the interested person, who may make a presentation to the Board of Trustees or committee, he or she shall leave the Board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining members shall decide if a conflict of interest exists.
- (c) **Addressing the Conflict of Interest:**
 - (1) The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
 - (2) After exercising due diligence, the governing board or committee shall determine whether the Pine Plains Free Library can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
 - (3) If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Pine Plains Free Library's best interest, for its own benefit, and

whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

(c) Records of Proceedings

The minutes of the governing board or committee shall contain:

- (1) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.
- (2) The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.

9. Annual Statements

Each Board member, officer, and committee member, volunteer or employee shall annually sign a statement which affirms that such person:

- (a) Has received a copy of the conflict of interest policy,
- (b) Has read and understands the policy,
- (c) Has agreed to comply with the policy, and
- (d) Understands the Pine Plains Free Library is a charitable, non-profit organization and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

10. Periodical Reviews

To ensure that the Pine Plains Free Library operates in a manner consistent with its charitable purposes, and that it does not engage in activities that could jeopardize its status as an organization exempt from federal income tax, periodic reviews of the Conflict of Interest Policy and requirements shall be conducted

11. Enforcement

The provisions of this Conflict of Interest Policy will be construed and enforced by the Board of Trustees. All decisions, determinations and actions taken by the Board with respect to this Conflict of Interest Policy are final and are not subject to review.

12. Amendment

The Library Board of Trustees reserves the right to amend this Conflict of Interest Policy at any time.

13. Ethics Statement

- (a) Trustees in the capacity of trust upon them shall observe ethical standards with absolute truth, integrity, and honor.
- (b) Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the situation.

- (c) It is incumbent upon any trustee to disqualify himself/herself immediately whenever the appearance or a conflict of interest exists.
- (d) Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree.
- (e) A trustee must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.
- (f) Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.
- (g) Trustees who accept library board responsibilities are expected to perform all of the functions of library trustees.

Adopted: June 10, 2008
Reviewed: August 19, 2013
Revised: January 19, 2015

Pine Plains Free Library

CERTIFICATION

I have received a copy of the Pine Plains Free Library’s **Conflict of Interest Policy**. I have read and understand it, and agree to comply with this policy. I also understand that the Pine Plains Free Library is a not-for-profit organization with federal tax exempt status, and as such, it must engage primarily in activities that accomplish its mission for its tax exempt purpose.

I hereby certify that to the best of my knowledge and belief, I do not have any interests, activities, and have not accepted any gratuities which might be regarded as constituting a conflict of interest, or dual interest, or as influencing my judgments or actions concerning the business of the Pine Plains Free Library, except as stated below (if “NONE”, please so state).

I further certify that I will promptly disclose in writing to the president of the Board of Trustees any such interest, activity or gratuity which may arise in the future while I am serving as a Board member, officer, member of a committee or task force, volunteer, or employee of the Pine Plains Free Library.

Name (Print):

Signature:

Date:

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