



## Clinton Community Library

# CONFLICT OF INTEREST AND ETHICS POLICY FOR TRUSTEES, EMPLOYEES AND VOLUNTEERS

### **Introduction**

The Clinton Community Library is dedicated to maintaining excellence in providing Library services to the public. The issue of public trust demands that Library Trustees, employees and volunteers act with integrity in accordance with the highest ethical standards.

The Board of Trustees shall act to shape the future of the Library. In doing so, the Board of Trustees shall oversee the management of the Library's assets, including its collections, programs, facilities, financial assets and staff, to ensure they are effectively protected, maintained and developed in support of the Library's mission, objectives and purposes as established by the Library's Charter, Bylaws and Mission Statement.

The purpose of this Policy is to prevent the personal interest of Trustees, employees and volunteers from interfering with the performance of their duties to Clinton Community Library.

### **Definitions**

*Conflict of Interest* (also Conflict) means a conflict, or the appearance of a conflict, between the private interests and official responsibilities of a person in a position of trust. *Interest* means a direct or indirect pecuniary or material benefit accruing to a Library Trustee, employee or volunteer as the result of a contract with the Library which the Trustee, employee or volunteer serves. Persons in a *position of trust* include Trustees, employees and volunteers of the Clinton Community Library. *Board* means the Board of Trustees. *Volunteer* means a person other than a board member who does not receive compensation for services and expertise provided to the Clinton Community Library and performs Library functions on a regularly scheduled basis. *Employee* means a person who receives all or part of her/his income from the payroll of Clinton Community Library. *Patron* means a Customer of Clinton Community Library. *Supporter* means corporations, foundations, individuals, 501 (c) (3) nonprofits, and other nonprofit organizations who contribute to Clinton Community Library.

### **Compliance with Laws and Other Ethical Standards**

Library Trustees, employees and volunteers shall comply with the letter and spirit of all applicable local, state and federal laws and international conventions, the ethical standards set forth in this Conflict of Interest and Ethics Policy, and any additional ethical standards set forth

by organizations relevant to the particular profession of the Trustee, employee or volunteer. In case of any conflict or inconsistency between this Policy and any other relevant ethical standards, Library Trustees, employees and volunteers should comply with the most stringent provision in order to ensure the highest level of integrity.

### **Fiduciary Duties**

Trustees have the fiduciary duties of care, loyalty and obedience to the Library. The duty of care requires Trustees to exercise the care that an ordinarily prudent person would exercise in a like position and under similar circumstances. The duty of loyalty requires Trustees to faithfully pursue the interests of the Library rather than their own financial or other interests or those of another person or organization. The duty of obedience requires Trustees to act with fidelity to the Library's mission.

As such, Trustees shall be attentive to the Library's activities and finances. Trustees shall oversee the way in which the Library's assets and affairs are managed. This includes attending and participating in meetings, reading and understanding financial statements, asking questions and exercising sound judgment. Breach of any fiduciary duty by a Trustee may subject the Trustee to financial or legal consequences and may result in removal from his or her position as a Trustee.

Trustees should keep in mind that any action taken by them as individuals may reflect on or be attributed to the Library. No Trustee, employee or volunteer shall misuse the Library's name, reputation, property or services, nor shall any Trustee, employee or volunteer compromise the Library's goodwill.

### **Conflicts of Interest**

The Library is committed to transparency and openness in its operations.

A Trustee, employee or volunteer has a conflict of interest when the Trustee, employee or volunteer, or any member of his or her family, directly or indirectly:

- Has any personal, business or other interest or affiliation that could be construed as being Library-related, such as (but not limited to) serving as a trustee, director, employee or partner of, or owning greater than 5% of the voting stock or controlling interest in any organization that does business or wishes to do business with the Library, or
- Receives a personal, business or other benefit as a result of their affiliation with the Library.

### **Avoidance of Conflict of Interest**

Each Trustee, employee and volunteer shall exercise care to ensure that no harm to the Library's interests results from a conflict of interest between the Library's interests and any personal, business or other interests of the Trustee, employee or volunteer, or any member of his or her family. Trustees, employees and volunteers should avoid situations in which a conflict of interest, or the appearance of a conflict of interest, could arise.

### **Disclosure of Potential Conflict of Interest**

If any Trustee, employee or volunteer, or any member of their family, has or reasonably expects to have interests or affiliations that could be construed as creating a conflict or the appearance of a conflict with the interests of the Library, the Trustee, employee or volunteer shall promptly inform the President of the Board, who shall promptly inform the entire Board of Trustees.

Any Trustee aware of a personal conflict of interest regarding a matter coming before the Board shall bring this to the attention of the Board. The President of the Board shall rule as to whether the declaration is a conflict. If a conflict exists, the Trustee shall not vote on the matter and shall excuse him/herself from any discussion regarding the matter by leaving the room, and shall not be counted in determining the quorum if that has not already been established for the meeting. These points shall be recorded in the Minutes of such meetings.

A Trustee or employee shall not hire or vote for the hiring of any person related by blood or marriage as an employee of the Library when the compensation of such employee is to be paid from public funds.

When a Board member perceives that another Trustee has a conflict of interest that has not been declared, the Board member may request the President to rule.

Any conflict of interest brought to the attention of the Board shall be dealt with by the Board in accordance with this Policy and applicable law.

#### **Evaluation of Potential Conflict of Interest**

The President of the Board shall review the information relating to any potential conflict of interest and shall take one of the following actions as they deem appropriate:

- finding that no conflict or potential conflict exists;
- finding that a conflict or potential conflict exists and that the situation resulting in such conflict should cease or not be permitted to proceed; or
- referring the actual or potential conflict of interest to the Mid-Hudson Library System for guidance and consideration.

In the event that the President has a conflict or perceived conflict the Vice President will fulfill the role of investigating a ruling on the conflict.

In all cases, the decision and/or recommendation shall be recorded in Library minutes.

#### **Violation of Policy**

- If the Board has reasonable cause to believe a Trustee, employee or volunteer has failed to disclose actual or possible conflicts of interest, it shall inform the person of the basis for such belief and afford the person an opportunity to explain the alleged failure to disclose;
- If, after hearing the response of the Trustee, employee or volunteer and after making further investigation as warranted by the circumstances, the Board determines that person

has failed to disclose an actual or possible conflict of interest, appropriate disciplinary and corrective action shall follow.

### **Library Resources**

Trustees, employees and volunteers shall use Library resources for Library business only and not for personal gain or at the expense of patrons, provided, however, that they may use Library resources in the same manner as any member of the general public. Library resources include, but are not limited to, Library collections, supplies, equipment, staff and premises.

### **Confidential Information**

Unless otherwise required by law, Trustees, employees and volunteers shall not disclose confidential information obtained in the course of their Library duties. Confidential information is any information that is not generally available to the public. The obligation to keep such information confidential shall continue after the cessation of a Trustee's term on the Board of Trustees, the employee's employment at the Library and the volunteer's involvement with the Library.

### **Trustee-Staff Relationship**

Trustees should not use their position to obtain unreasonable or excessive services or expertise from Library staff. Neither Trustees nor any member of a Trustee's family shall serve as paid employees of the Library unless approved in advance by the Board.

### **Gifts**

Trustees, employees and volunteers shall avoid activity that could be construed as illegal, improper or corrupt. In order to avoid the appearance of impropriety, Trustees, employees and volunteers, and their family members, may not knowingly accept, in connection with their official relationship with the Library or their performance of any Library related duties, gifts with a value of \$100 or more from any one source in a calendar year (including a discount or special price on personal purchases) that does business with, or that wishes to do business with, the Library.

### **Interpretation**

This Policy cannot describe all potential conflicts of interest or ethical issues that may arise, and its application may be uncertain at times. Trustees, employees and volunteers should exercise the highest standards of ethical judgment and err on the side of caution. Trustees, employees and volunteers are encouraged to consult with the President of the Board or the Library Director if they have any questions as to the applicability of this Policy to a particular situation.

### **Statements and Documentation**

When beginning formal association with the Library and annually thereafter, each Trustee, employee and volunteer shall sign a statement that affirms such person:

- Has received a copy of the Conflict of Interest and Ethics Policy;
- Has read and understands the Policy;
- Has agreed to comply with the Policy;

- Understands the Library is a 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.

**Approved by the Clinton Community Library Board of Trustees on January 13, 2015. Amended by the Clinton Community Library Board of Trustees on June 10, 2019.**



Clinton Community Library

**CONFLICT OF INTEREST AND ETHICS CERTIFICATION**

This is to certify that I, as a Trustee, employee or volunteer of Clinton Community Library:

- have received a copy of the Library's Conflict of Interest and Ethics Policy for Trustees, Employees, and Volunteers.
- have read and understood the Policy.
- agree to comply with the provisions of the Policy.
- shall promptly inform the President of the Board of Trustees if I or any member of my family has, or reasonably expects to have, now or in the future, any interests or affiliations that could be construed as creating a conflict or the appearance of a conflict with the interests of the Library.
- shall not vote on, approve or recommend any transaction in which I or any member of my family has any actual or potential conflict of interest. If I am present at a meeting of the Board, I shall leave the meeting during any discussion or vote relating to such matter.

\_\_\_\_\_ I have no conflict of interest to report.

\_\_\_\_\_ I have the following conflict of interest to report. Please provide a full description of the transactions, whether direct or indirect, that you have (or have had during the past year) with persons or organizations having transactions with the Clinton Community Library.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Clinton Community Library role/position:  Trustee  Employee  Volunteer