



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Executive Order No. 118

December 22, 1988

JOINT COMMISSION ON INTEGRITY
IN THE PUBLIC SCHOOLS

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Creation of Commission. There is hereby established, in cooperation with the Board of Education and the Chancellor of the City School District of the City of New York, a joint commission to (1) investigate allegations of corruption or impropriety within the City School District of the City of New York and to determine the extent of such activity; (2) inquire into and evaluate existing practices, procedures and policies which may have contributed to or resulted in such corruption or impropriety; (3) recommend improvements in any such practices, procedures and policies to the Mayor, the Board of Education, and the Chancellor of the City School District of the City of New York so as to provide stronger and more effective safeguards against corruption and impropriety.

Section 2. Members. The members of the Commission shall be James F. Gill, Chairperson; Elizabeth Colon; Paul J. Curran; Augusta S. Kappner; and Monroe E. Price.

Section 3. Power. (a) The Commission, its chair and such agents as he shall designate, within amounts appropriated therefor, shall have all powers necessary to conduct as complete an investigation as it finds necessary, including but not limited to the powers to administer oaths and affirmations, to examine witnesses in public or private hearings, to receive evidence and to preside at or conduct such hearings and investigations.

(b) The Commission and such agents as it designates shall be designated by the Commissioner of Investigation as agents of the Department of Investigation, pursuant to Section 805 of the City Charter, with all powers to conduct investigations as provided therein, it being understood that the Board of Education by resolution shall designate the Commission to conduct investigations and hold hearings on its behalf.

(c) The Chief Counsel of the Commission shall be appointed a Deputy Commissioner of Investigation, pursuant to Section 802 of the City Charter, with all powers pertaining to that office, including but not limited to those specified in Section 805(a) of the City Charter.

(d) The Commission may also cooperate with any criminal investigation, as may become necessary, pursuant to its powers under this order and any resolution adopted by the Board of Education.

(e) Within the scope of the general responsibility of the Commission set forth in Section 1 of this Order, the Commission shall have authority to examine, copy or remove any document or other record prepared, maintained or held by the City School District of the City of New York, including the Board of Education, the Chancellor, Community School Boards, Community Superintendents and any other office or employee of the school district, and any agency of the City, except those documents or other records which cannot be so disclosed according to law.

(f) The Commission shall have authority to require any officer or employee or former officer or employee of the City School District of the City of New York or of the City to attend an examination or hearing concerning any matter related to the performance of his or her official duties, and to require any person dealing with, or who has dealt with, the City School District of the City of New York or its officers and employees to attend any examination or

hearing concerning such dealings. If such a person declines to answer any question which is put to him or her, the Commission shall have the authority to advise the person that neither his nor her answer nor any information or evidence derived therefrom will be used against him or her in a subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of an officer or employee of the City School District of the City of New York or of the City of New York to answer questions on the condition described in this paragraph shall constitute cause for removal from office or employment or other appropriate penalty. The refusal of any person dealing with the City School District of the City of New York, including dealings with the Board of Education the Chancellor, Community School Boards, and Community Superintendents to answer questions on the condition described in this paragraph shall, pursuant to the appropriate provision of any contract, constitute cause for cancellation or termination of such contract with the City School District of the City of New York or the City and its agencies that said person or any firm, partnership or corporation of which he or she is a member, partner, director or officer has entered into. The City School

District of the City of New York and the City shall not incur any penalty or damages because of such cancellation or termination.

Section 4. Cooperation with Investigation. Pursuant to my power as Mayor and in accordance with the resolution of the Board of Education (a) The Board of Education, the Chancellor, all Community School Boards and Community Superintendents within the School District of the City of New York, and all other heads of department or agencies of the City shall make every reasonable effort to insure the full cooperation of all persons employed or supervised by them with investigations or inquiries conducted by the Commission.

(b) The Board of Education, the Chancellor, all Community School Boards and Community Superintendents within the School District of the City of New York and all other departments or agencies of the City shall make available to the Commission such facilities, services, personnel and other assistance as may be necessary for the conduct of its investigations.

(c) The Board of Education, the Chancellor, all Community School Boards and Community Superintendents within the City School District of the City of New York and all other departments or agencies of the City shall provide to the Commission upon request any and all documents, records, reports, files or other information, except such documents as cannot be so disclosed according to law. To insure full availability of such records and documents to the Commission, the Board of Education, the Chancellor, all Community School Boards and Community Superintendents and all other City departments and agencies shall make and retain copies of any documents, records or files provided to state or federal prosecutors, or other investigative bodies, pursuant to subpoena or otherwise.

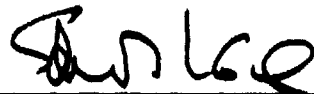
(d) Every officer or employee of the City School District of the City of New York, including the members of the Board of Education, the Chancellor, members of all Community School Boards and Community Superintendents, and all other officers and employees of the City shall cooperate fully with the Commission. Interference with or obstruction of the Commission's investigations or other functions shall constitute cause for removal from office or employment, or other appropriate penalty.

(e) Every officer and employee of the City School District of the City of New York, including the members of the Board of Education, the Chancellor, all Community School Boards and Community Superintendents, and all other officers and employees of the City shall have the affirmative obligation to report, directly and without undue delay, to the Commission, any and all information concerning conduct which they know or should reasonably know to involve corrupt or other criminal activity or conflict of interest (i) by an officer or employee of the City School District, which concerns his or her office or employment, or (ii) by persons dealing with the City School District, which concerns their dealing with the school district, and shall proceed in accordance with the Commission's directions. The knowing failure of any officer or employee to so report shall constitute cause for removal from office or other appropriate penalty.

(f) The obligation to report information regarding corruption, criminal activity or conflict of interest to the Commission shall be in addition to the reporting obligations imposed on City officers and employees to report such information to the Department of Investigation, pursuant to Executive Order No. 105, dated December 20, 1986.

Section 5. Construction with Other Laws. Nothing in this Order shall be construed or limit the power and duties of any agency under the City charter or as otherwise provided by law.

Section 6. Effective Date. This order shall take effect immediately.



Edward I. Koch
M A Y O R

AUTHORIZATION FOR THE JOINT COMMISSION ON INTEGRITY IN THE
PUBLIC SCHOOLS TO ACT ON BEHALF OF THE BOARD OF EDUCATION

The following resolutions are submitted for adoption:

WHEREAS, the Mayor of the City of New York, Edward I. Koch, the Board of Education of the City School District of the City of New York, by its president, Robert F. Wagner, Jr., and the Chancellor of the City School District, Richard R. Green, have determined that a Commission should be established to (1) investigate allegations of corruption or impropriety within the City School District of the City of New York; (2) inquire into and evaluate existing practices, procedures and policies which may have contributed to or resulted in such corruption or impropriety; and (3) recommend improvements in any such practices, procedures and policies to the Mayor, Board and Chancellor so as to provide stronger and more effective safeguards against corruption and impropriety;

WHEREAS, the Mayor of the City of New York, with the concurrence of the Board of Education and the Chancellor of the City School District of the City of New York, appointed James F. Gill, Elizabeth Colon, Paul J. Curran, Augusta S. Kappner, and Monroe E. Price as members of the Joint Commission on Integrity in the Public Schools;

WHEREAS, the Board and the Chancellor believe that it is important that the Commission examine the impact of corrupt or improper conduct and practices on the management and effectiveness of the school district's educational programs and therefore commit themselves to provide the Commission with whatever assistance and cooperation it needs;

WHEREAS, it is important that the Commission examine the impact of corruption and other illegal or improper conduct on the ability of the City School District, including the Board of Education, the Chancellor, Community School Boards, and Community Superintendents, to provide efficient and effective education programs;

WHEREAS, the Board of Education is authorized by Section 526 of the City Charter to investigate any subject of which it has cognizance or over which it has legal control, and is required by Education Law §2554 subd.15a to promote the best interests of the schools; and whereas an investigation into and report on corruption in the school system, and the effect of such conduct on educational programs, will promote the best interests of the students and the school district;

WHEREAS, the Board is authorized by Education Law §2554 subd.21 to appoint trial examiners to conduct investigations and hold hearings on its behalf; now, therefore, be it

RESOLVED, that the Joint Commission on Integrity in the Public

Schools ("the Commission"), to be established pursuant to Executive Order is authorized to act on behalf of the City School District of the City of New York in (1) investigating allegations of corruption or impropriety within the school district, and determining the extent of such activity and its impact on the management and effectiveness of the educational programs of the school district, including the Board of Education, the Chancellor, Community School Boards and Community Superintendents; (2) inquiring into and evaluating existing practices, procedures and policies that may have contributed to or resulted in such corruption or impropriety; (3) recommending improvements in any such practices, procedures and policies to the Mayor, the Board and the Chancellor so as to provide stronger and more effective safeguards against corruption and impropriety.

RESOLVED, that the Commission, its chair and such agents as he shall designate, shall have all those powers of the Board of Education and the Chancellor which are necessary to the Commission to conduct as complete an investigation as it finds necessary, including but not limited to the powers to administer oaths and affirmations, to compel the attendance of witnesses and the production of documents, to examine witnesses in public or private hearings, to receive evidence, to preside at or conduct such hearings and investigations, and any other investigatory powers conferred on the Board of Education by the Education Law, the City Charter, or any other law.

RESOLVED, that the members of the Commission shall be deemed unpaid employees of the Board of Education assigned as trial examiners with authority under Education Law §2554 subd.21 to conduct an investigation and hold hearings on behalf of the Board of Education.

RESOLVED, that the Commission may also cooperate with any criminal investigation, as may become necessary, pursuant to its powers under the Mayor's Executive Order and this resolution.

RESOLVED, that the Commission shall have authority to examine, copy or remove any document or other record prepared, maintained or held by the City School District of the City of New York, including the Board of Education, the Chancellor, Community School Boards, Community Superintendents and any other officer or employee of the school district, except those documents or other records which cannot be so disclosed according to law, it being understood that copies shall be made of any original documents to be removed by the Commission.

RESOLVED, that the Commission shall have all those powers of the Board of Education and the Chancellor which are necessary to the Commission to require any officer or employee or former officer or employee of the City School District of the City of New York to attend an examination or hearing concerning any matter related to the performance of his or her official duties, and to require any person dealing with, or who has dealt with, the City School District

of the City of New York or its officers and employees to attend any examination or hearing concerning such dealings. If such a person declines to answer any question which is put to him or her, the Commission shall have the authority to advise the person that neither his nor her answer nor any information or evidence derived therefrom will be used against him or her in a subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of an officer or employee of the City School District of the City of New York to answer questions on the condition described in this paragraph shall constitute cause for removal from office or employment or other appropriate penalty. The refusal of any person dealing with the City School District of the City of New York, including dealings with the Board of Education, the Chancellor, and Community School Boards and Community Superintendents to answer questions on the condition described in this paragraph shall, pursuant to the appropriate provision of any contract constitute cause for cancellation or termination of such contract with the City School District of the City of New York that said person or any firm, partnership or corporation of which he or she is a member, partner, director or officer has entered into. The City School District of the City of New York shall not incur any penalty or damages because of such cancellation or termination.

RESOLVED, that the Board of Education, the Chancellor, and all Community School Boards and Community Superintendents within the School District of the City of New York shall make every reasonable effort to insure the full cooperation of all persons employed or supervised by them with investigations or inquiries conducted by the Commission.

RESOLVED, that the Board of Education, the Chancellor, and all Community School Boards and Community Superintendents and all other officers or employees of the School District of the City of New York shall make available to the Commission such facilities, services, personnel and other assistance as may be necessary for the conduct of its investigations.

RESOLVED, that the Board of Education, the Chancellor, and all Community School Boards and Community Superintendents within the City School District of the City of New York shall provide to the Commission upon request any and all documents, records, reports, files or other information, except such documents as cannot be so disclosed according to law. To insure full availability of such records and documents to the Commission, the Board of Education, the Chancellor, and all Community School Boards and Community Superintendents shall make and retain copies of any documents, records or files provided to state or federal prosecutors, or other investigative bodies, pursuant to subpoena or otherwise.

RESOLVED, that every officer or employee of the City School District of the City of New York, including the members of the Board of Education, the Chancellor, members of all Community School Boards,

and Community Superintendents shall cooperate fully with the Commission. Interference with or obstruction of the Commission's investigations or other functions shall constitute cause for removal from office or employment, or other appropriate penalty.

RESOLVED, that every officer and employee of the City School District of the City of New York, including the members of the Board of Education, the Chancellor, members of all Community School Boards, Community Superintendents and the Inspector General of the Board of Education shall have the affirmative obligation to report, directly and without undue delay, to the Commission, any and all information concerning conduct which they know or should reasonably know to involve corrupt or other criminal activity or conflict of interest (i) by an officer or employee of the City School District, which concerns his or her office or employment, or (ii) by persons dealing with the City School District, which concerns their dealing with the school district, and shall proceed in accordance with the Commission's directions. The knowing failure of any officer or employee to so report shall constitute cause for removal from office or employment or other appropriate penalty.

RESOLVED, that nothing in this resolution shall be construed to limit the powers and duties of the Board of Education and the Chancellor or any other agency.

EXPLANATION

On December 22, 1988, the Mayor of the City of New York, with the support of Chancellor Richard R. Green and Board of Education President Robert F. Wagner, Jr, announced the establishment of the Joint Commission on Integrity in the Public Schools to investigate allegations of corruption and improprieties within the City School District of the City of New York. By this resolution, the Board of Education and the Chancellor direct all officers and employees of the City School District to cooperate fully with the Commission in its investigation.

Corruption, misuse of funds and school property, drug abuse by school employees, and other corrupt and improper activities endanger the safety and welfare of students and make more difficult the City School District's mission of providing efficient and effective educational programs. The Board and the Chancellor believe that it is important that the Commission examine the impact of corrupt or improper conduct and practices on the management and effectiveness of the school district's educational programs. It is also important that the Commission recommend to the Mayor, Board and Chancellor changes in any practices, procedures and policies that may have contributed to corruption or improprieties, so as to enable the Board and the Chancellor to provide more effective educational programs and implement

better safeguards against corruption and impropriety.


This resolution authorizes the Commission to act on behalf of the Board of Education in investigating all aspects of corrupt or improper conduct within the school system, to serve as a trial examiner with authority under Education Law §2554 subd. 21, and to exercise all investigatory powers vested in the Board and the Chancellor by the Education Law, the City Charter or any other law. It is anticipated that the Commission shall work with the Office of the Inspector General, or such office as the Board may designate as liaison to the Commission. It is expected and required that each officer and employee of the City School District will discharge his or her responsibilities in such a manner as to insure against improper conduct and will bring any instances of corruption, criminality or conflict of interest, known or which reasonably should be known, to the attention of the Commission in our shared efforts to root out corruption and impropriety.

Respectfully submitted,


Robert F. Wagner Jr.
President of the Board


Richard R. Green
Chancellor

January 4, 1989

A true copy of resolution (s) adopted
by the Board of Education on **JAN 4 1989**

Assistant Secretary, Board of Education