

ADMINISTRATIVE CONFLICT OF INTEREST

The Board of Education accepts the responsibility of governing the operation of the District in the best interests of the total community. The Board expects the administration to avoid attitudes and actions that might give rise to Board or public questioning of the integrity of any decision at all times.

For the purpose of this policy, family member shall be defined as grandparent, parent, spouse, civil union partner, domestic partner, child, grandchild or sibling, whether by blood or marriage.

All administrators shall comply with all statutory, code, case law and ethics requirements. These include but are not limited to:

- A. No administrator shall be appointed to or participate in any way in the employment, appointment, terms and conditions of employment, performance evaluation of or promotion of his/her family member.
- B. No administrator shall discuss a proposed collective bargaining agreement with a local bargaining unit; participate in any way as a member of the negotiating team; be present in closed session when the Board is discussing negotiation strategies nor participate in negotiations in any way when his/her family member belongs to that local bargaining unit.
- C. No administrator who is a member of the same statewide union or whose immediate family member is a member of that same statewide union shall participate in any way in negotiations, prior to the Board's attaining a tentative memorandum of agreement with the bargaining unit. Specifically, the administrator shall not sit with the negotiating team and shall not be present with the Board in closed session when negotiation strategies are being discussed prior to the establishment of a tentative memorandum of agreement. Once the tentative agreement is established, the administrator may fully participate.
- D. No administrator shall use, attempt to use, or allow to be used his/her position for the purpose of securing financial gain for the administrator, a family member, a political organization, or a business in which the administrator or a family member has an interest or which employs or provides compensation to the administrator or family member.
- E. No administrator shall use, attempt to use, or allow to be used any information which is not generally available to the public, and which the administrator acquired by reason of his/her position, for the purpose of securing financial gain for the administrator, family member, a political organization, or a business in which the administrator or family member has an interest or which employs or provides compensation to the administrator or family member.
- F. No administrator shall solicit, accept, or agree to accept, either directly or indirectly, any gift, loan, political contribution, service, promise of future employment, or other thing of value if the administrator knows or reasonably should know that the gift, loan, political contribution, service, promise of future employment, or other thing of value was given or offered for the purpose of influencing the administrator, directly or indirectly, in the discharge of his/her duties.

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- G. No administrator shall direct or request that any person or business which is a party to a contract with the school District perform, whether for compensation or not, any services for, or contribute anything of value to, a political organization.
- H. No administrator shall use his/her position to direct or request that any other school official or any person employed by the school District perform any services, whether for compensation or not, for, or contribute anything of value to, a political organization.
- I. No administrator shall participate in any way in school District action which he/she knows or reasonably should know would result in the payment of school District funds, from whatever source derived, to the administrator, family member, a political organization, or a business in which the administrator or family member has an interest or which employs or provides compensation to the administrator or family member.
- J. Nothing in this bylaw shall be construed to prohibit a administrator from taking action in an official capacity if by reason of that action no benefit or detriment could reasonably be expected to accrue to the administrator or a family member as a member of a group to any greater extent than any such benefit or detriment could reasonably be expected to accrue to any other member of such group.
- K. No administrator may accept offers of meals, entertainment or hospitality if the meals, entertainment and/or hospitality are limited to the clients/customers of the individual providing them.
- L. No administrator may attend hospitality suites or receptions at conferences unless they are open to all persons attending the conference.

<u>Legal References:</u>	<u>N.J.S.A. 18A:6-8</u>	Interest of school officers, etc., in sale of textbooks or supplies; royalties
	<u>N.J.S.A. 18A:6-8.4</u>	Right to hold elective or appointive state, county or municipal office
	<u>N.J.S.A. 18A:12-1.1</u>	Ineligibility for appointment to paid office or position filled by Board
	<u>N.J.S.A. 18A:12-2</u>	Inconsistent interests or office prohibited
	<u>N.J.S.A. 18A:12-21 et seq.</u>	School Ethics Act
	<u>N.J.S.A. 52:13D-12 et seq.</u>	Legislative findings ... (regarding conflict of interest)
	<u>N.J.A.C. 6A:4-1.1 et seq.</u>	Appeals
	<u>N.J.A.C. 6A:28-1.1 et seq.</u>	School Ethics Commission

Visotcky v. City Council of Garfield, 113 N.J. Super. 263 (App. Div. 1971)

Vittoria v. West Orange Board of Education, 122 N.J. Super. 340 (App. Div. 1973)

Elms v. Mt. Olive Board of Education, 1977 S.L.D. 713

Scola v. Ringwood Board of Education, 1978 S.L.D. 413

Salerno v. Old Bridge Township Board of Education, 1984 S.L.D. (April 23)

Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93

In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97

ADMINISTRATIVE CONFLICT OF INTEREST (continued)

Legal References: (continued)

School Ethics Commission, Advisory Opinion, A01-93
School Ethics Commission, Advisory Opinion, A10-93
School Ethics Commission, Advisory Opinion, A021-93
School Ethics Commission, Advisory Opinion, A07-94
School Ethics Commission, Advisory Opinion, A33-95
School Ethics Commission, Advisory Opinion, A02-00
School Ethics Commission, Advisory Opinion, A14-00

Cross References: *4112.8 Nepotism
*4212.8 Nepotism
*9271 Code of ethics

*Indicates policy is included in the Critical Policy Reference Manual.

Key Words

Conflict of Interest, Administrator Conflict of Interest, Administrator Ethics, Ethics

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