CONFLICT OF INTEREST

The Chester Board of Education accepts the responsibility of governing the operation of the district in the best interests of the total community. Individual members shall subscribe to the code of ethics in bylaw #9271 Code of Ethics. The board as a body, and the members individually, wish at all times to avoid attitudes and actions that might give rise to public questioning of the integrity of any board decision.

Therefore, in addition to complying with all statutory requirements:

A. No board member shall hold any form of paid employment with the district while he/she is serving, nor for six months after leaving office;

B. No board member shall have an interest directly or indirectly in any contract with or claim against the board;

C. No board member shall serve as mayor or as a member of the municipal or county level governing body of the district;

D. Board members shall be in compliance with policy 4112.8/4212.8 Nepotism.

Prohibited Actions

In accordance with the N.J.S.A. 18A:12-21 et seq. no board member shall:

A. Have an interest nor shall his/her immediate family have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

B. Use or attempt to use his/her official position to secure unwarranted privileges, advantages or employment for himself/herself, members of his/her immediate family or others;

C. Act in his official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his/her objectivity or independence of judgment. No school official shall act in his/her official capacity in any matter where he/she or a member of his/her immediate family has a personal involvement that is or creates some benefit to the school official or member of his/her immediate family;

D. Undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of his/her official duties;

E. Solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his/her official duties, nor shall a member of his/her immediate family, or business organization in which he/she has an interest;

CONFLICT OF INTEREST (continued)

F. Use, or allow to be used, his/her public office or employment, or any information, not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his/her immediate family, or any business organization with which he is associated;

G. Represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he/she serves or in any proceeding involving the school district in which he/she serves or, for officers or employees of the New Jersey School Boards Association, any school district. This provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities, nor shall a business organization in which he/she has an interest;

H. Be deemed in conflict with these provisions if, by reason of his/her participation in any matter required to be voted upon, no material or monetary gain accrues to him/her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of that business, profession, occupation or group;

I. Be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the member or a member of his immediate family, whether directly or indirectly, in return therefor; and

J. Nothing shall prohibit any board member, or members of his/her immediate family, from representing himself/herself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

Adopted:	May 2, 1989; May 11, 2004
NJSBA Review/Update:	December 2008, September 2018
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Revised:	March 12, 2013

Key Words

Conflict of Interest, Board Member Conflict of Interest, Board Member Ethics, Ethics

Legal References:

N.J.S.A. 18A:6-8	Interest of school officers, etc., in sale of textbooks or supplies; royalties
N.J.S.A. 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
N.J.S.A. 18A:12-1.1	Ineligibility for appointment to paid office or position filled by board
N.J.S.A. 18A:12-2	Inconsistent interests or office prohibited
N.J.S.A. 18A:12-21 et seq.	School Ethics Act
N.J.S.A. 52:13D-12 et seq.	Legislative findings ... (regarding conflict of interest)
N.J.A.C. 6A:4-1.1 et seq.	Appeals
N.J.A.C. 6A:28-1.1 et seq.	School Ethics Commission
N.J.A.C. 6A:32-3.2	Requirements for the Code of Ethics for school board members and charter school board of trustee members

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

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

Possible Cross References:

*4112.8/4212.8	Nepotism
*9271	Code of ethics

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