

Policy

CONFIDENTIALITY

Chester Board of Education members recognize that they hold an important position of public trust. In fulfillment of their duties, board members become privy to a variety of information which is confidential in nature. Any unwarranted dissemination of confidential information on the part of a board member is deemed a violation of duty. Under the Open Public Meetings Act, the board of education may exclude the public only from portions of a meeting at which time certain matters as set forth under N.J.S.A. 10:4-12(b) will be discussed. All such matters discussed in closed session by the board are deemed to be strictly confidential. The board recognizes that the maintenance of confidentiality in closed session meetings is essential to advance the interest of the public. Board members further recognize that it is essential not to divulge any information/documentation deemed confidential outside of the closed session until it is determined that the matter(s) involved are no longer confidential in nature.

Board members shall refrain from discussing any issues, person, or documentation relating to any topic set forth in N.J.S.A. 10:4-12 presented at closed session with anyone not privy to the closed session. The inappropriate release of information jeopardizes the integrity of the board and risks invading the privacy interests of individuals, as well as exposing the board and the individuals to liability. Board members who improperly leak information may be personally liable for damages and shall not be entitled to indemnification for actions brought against them by third parties because they have acted outside of their official duties.

In the event of an alleged violation of their policy, the board president shall directly inform only the board member involved, in writing, of the alleged misconduct. The alleged shall be afforded the opportunity to respond to the board president in writing and be heard by the full board in a closed session before any action is taken by the board. Due to the sensitive nature of such allegations and in the interest of expediency, letters to and from the alleged shall be exchanged within two weeks of the presumed violations. Any closed session discussion must take place within one week of the exchange of letters. Any board member who is found to have violated the confidentiality required under this policy shall be subject to penalty, censure, or other sanctions by the board to the extent permitted by law including, but not limited to, ethics charges. Any action taken by the board against a board member must be with 2/3 majority consent of the whole board.

Adopted;	December 17, 1996
Revised:	July 31, 2003
NJSBA Review/Update:	January 2009, August 2016, September 2018
Readopted:	April 27, 2009, September 17, 2018, August 16, 2021, January 2024

Key Words

Confidentiality

Legal References: N.J.S.A. 10:4-12(b) Exceptions to OPRA

Cross References: 9271 *Code of ethics
 9322 *Public and executive sessions

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