MERCHANTVILLE BOARD OF EDUCATION **130 South Centre Street** **Merchantville, New Jersey 08109**	**FILE CODE: 9270** **Proposed: 08/23/88** **Adopted: 08/27/88** **Revised: 10/22/09** **Reviewed: 02/05/2024**

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. 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.

Definitions

For the purpose of this policy, "relative" shall be defined as an individual's spouse, civil union partner, domestic partner, or the parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, of the individual or of the individual's spouse, civil union partner or domestic partner, whether the relative is related to the individual or the individual's spouse, civil union partner or domestic partner, by blood, marriage or adoption.

"Immediate family" shall be defined as board member or school administrator, their spouse, civil union partner, domestic partner, child, parent or sibling residing in the same household, whether related by blood, marriage or adoption.

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 participate in any way in the employment, appointment, terms and conditions of employment, performance evaluation of or promotion of his/her relative.

C. No board member shall discuss or vote on a proposed collective bargaining agreement with a 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 relative belongs to that bargaining unit.

D. No board member 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. Once the tentative memorandum of agreement is established, the board member with an out of district same statewide union affiliation may fully participate in the process, absent other conflicts. Prior to that time, the board member shall not be a member of the negotiating team and shall not be present with the board in closed session when negotiation strategies are being discussed. The board member may vote on the collective bargaining agreement.

E. No board member shall use, attempt to use, or allow to be used any property owned or leased by the school district for the purpose of securing financial gain for the board member, a family member, a political organization, or a business in which the board member or a family member has an interest or which employs or provides compensation to the board member or family member.

F. No board member shall use, attempt to use, or allow to be used his/her position for the purpose of securing financial gain for the board member, a family member, a political organization, or a business in which the board member or a family member has an interest or which employs or provides compensation to the board member or family member.

G. No board member shall use, attempt to use, or allow to be used any information which is not generally available to the public, and which the board member acquired by reason of his/her position, for the purpose of securing financial gain for the board member, family member, a political organization, or a business in which the board member or a family member has an interest or which employs or provides compensation to the board member or family member.

H. No board member 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 board member 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 board member, directly or indirectly, in the discharge of his/her duties.

I. No board member 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.

J. No board member 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.

K. No board member 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 board member, family member, a political organization, or a business in which the board member or family member has an interest or which employs or provides compensation to the board member or family member.

L. Nothing in this bylaw shall be construed to prohibit a board member 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 board member 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.

M. No board member shall serve as mayor or as a member of the municipal governing body of the district.

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
N.J.A.C. 6A:23A-1.2 et seq.	Fiscal accountability; definitions
N.J.A.C. 6A:23A-6.2 et seq.	Fiscal accountability; nepotism

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 Nepotism
*4212.8 Nepotism
*9271 Code of ethics

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

NJSBA Draft Date: 04/09