

## 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 all subscribe to the philosophy and guidelines for action 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.

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

Therefore, in addition to all obligations imposed by law, the Board subscribes to the following:

- 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 family member.
- 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 family member belongs to that bargaining unit or to the same statewide general union with which the school Board is negotiating.
- D. 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.
- E. 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.

No. 9270

CONFLICT OF INTEREST

- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. 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.
- L. No Board member shall serve as member of the municipal governing body of the district.
- M. Whenever an individual is proposed to the Board for employment, re-employment or continuation of employment, Board members shall disclose to the Board his/her relationship to said individual within the definition of family as defined above, if any. Recognizing that such disclosure may give the appearance of a conflict of interest, such Board member shall disqualify himself/herself from voting on matters pertaining

No. 9270

CONFLICT OF INTEREST

to the specific employment, re-employment or continuation of employment of such individual;

N. No Board member will accept anything of substantive value (exceeding \$100) for himself/herself or for a relative from a vendor or contractor to the district or from an employee or prospective employee of the district;

O. Should a Board member learn that a relative has accepted anything of intrinsic value (exceeding \$100) from a vendor or contractor to the district, or from an employee or prospective employee of the district, he/she shall disclose said fact to the Board. Recognizing that such disclosure may give the appearance of a conflict of interest, such Board member shall disqualify himself/herself from voting on matters pertaining to that vendor or contractor or employee or prospective employee.

Date Adopted: 12/11/76  
 Date Revised: 08/13/79  
 Date Revised: 01/24/83  
 Date Revised: 12/17/90  
 Date Revised: 10/16/96

Legal References: NJSA 18A:6-8	Interest of school officers, etc., in sale of textbooks or supplies; royalties
NJSA 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
NJSA 18A:12-1.1	Ineligibility for appointment to paid office or position filled by board
NJSA 18A:12-2	Inconsistent interests or office prohibited
NJSA 18A:12-21 et seq	School Ethics Act
NJSA 52:13D-12 et seq	Legislative findings (regarding conflict of interest)
NJAC 6:2-1.1 et seq	Appeals
NJAC 6:3-9.1 et seq	School Ethics Commission

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

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

No. 9270

CONFLICT OF INTEREST

Elms v. Mt. Olive Board of Education, 1977 SLD 713

Scola v. Ringwood Board of Education, 1978 SLD 413

Salerno v. Old Bridge Township Board of Education, 1984 SLD (April 23)

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

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