

# **BOARD OF EDUCATION**

Cherry Hill, New Jersey

## **POLICY 4212.8**

### **NEPOTISM**

In order to avoid both the reality and the appearance of conflict of interest in employment, the Cherry Hill Board of Education shall not appoint a relative of a Board member or of the chief school administrator or any other Cherry Hill Public Schools administrator to any full or part time employment position in this District, and directs that no relative of a Board member or of a District administrator shall be placed in nomination for any vacant position. The Board shall not appoint or assign an individual to any position in which he/she would directly or indirectly supervise or be supervised by any member of his/her family, nor shall any administrator be assigned to a position where s/he would exercise authority with regard to personnel actions over a relative of the administrator. This policy shall include the appointment of family members of either Board members or administrators to co-curricular and other District activities (School Age Child Care Program, Student Enrichment Program, etc.) for which Board-approved stipends are provided. Specifically, this policy is not to be used as a method to limit the participation or involvement in any District activities of any student(s) within the Cherry Hill Public Schools who are relatives of either Board members or administrators.

Persons who are employees of the Board on the date this policy becomes effective or the date a relative becomes a Board member or administrator shall not be prohibited from continuing to be employed in the person's current position or, in the case of a reduction in force, in any position to which that person has a legal entitlement. The District may seek approval from the Executive County Superintendent to promote such an existing employee where such promotion is justified by the needs of the District to ensure implementation of the Core Curriculum Content Standards and upon a demonstration that the existing employee is the most qualified candidate for the position after full advertising and interviewing has occurred.

When a school official's immediate family member is a member of the bargaining unit that school official shall not discuss the proposed collective bargaining agreement with that unit nor participate in any way in negotiations including, but not limited to, being a member of the negotiating team. Such school official shall not be present with the Board in closed session when negotiation strategies are being discussed. However, a school administrator may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

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When a member of a school official's immediate family is a member of the same statewide union with which the Board is negotiating, that school official shall not participate in any way in negotiations. This includes, but is not limited to, being a member of the negotiating team, prior to the Board's attaining a tentative memorandum of agreement with the bargaining unit, including salary guides and/or the total package of money to be offered. Once such tentative memorandum of agreement is established, the school official may fully participate in the process, including Board member voting, absent other conflicts. Prior to that time, the school official shall not be present with the Board in closed session when negotiation strategies are being discussed. However, a school administrator may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

For the purpose of this policy, "relative" or "family member" shall be defined as an individual's spouse, civil union partner pursuant to N.J.S.A. 37:1-33, domestic partner as defined in N.J.S.A. 26:8A-3, or the parent, child, sibling, 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 member" shall be defined as a Board member or school administrator, his/her spouse, civil union partner, domestic partner, or dependent child living in the household, whether related by blood, marriage or adoption. "School official" shall be defined as a member of the Cherry Hill Board of Education or an administrator employed by the Cherry Hill Board of Education.

A school official who has such relationship with any employee of the District as of the effective date of this policy shall declare such relationship to the Superintendent and the Board Secretary immediately.

Thereafter, an individual elected or appointed to a school official position, as defined herein, shall inform the Superintendent and the Board Secretary of such a family relationship prior to assuming the duties and responsibilities of his/her position.

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<b><u>Legal References:</u></b>	<u>N.J.S.A. 18A:11-1</u>	<i>General mandatory powers and duties</i>
	<u>N.J.S.A. 18A:12-2</u>	<i>Inconsistent interests or office prohibited</i>
	<u>N.J.S.A. 18A:12-21 et seq.</u>	<i>School Ethics Act</i>
	<u>N.J.S.A. 18A:16-1</u>	<i>Officers and employees in general</i>
	<u>N.J.S.A. 18A:27-4.1</u>	<i>Appointment, transfer, removal or renewal of officers and employees; exceptions</i>
	<u>N.J.A.C. 6A:4-1.1 et seq.</u>	<i>Appealable decisions</i>
	<u>N.J.A.C. 6A:23A-1.2 et seq.</u>	<i>Fiscal accountability; definitions</i>
	<u>N.J.A.C. 6A:23A-6.2 et seq.</u>	<i>Fiscal accountability; nepotism</i>
	<u>N.J.A.C. 6A:28-1.1 et seq.</u>	<i>School Ethics Commission</i>
	<i><u>In the Matter of the Election of Dorothy Bayless to the Board of Education of the Lawrence Township School District, 1974 S.L.D. 603, reversing 1974 S.L.D. 595</u></i>	
	<i><u>Shirley Smiecinski v. Board of Education of the Township of Hanover, Morris County, 1975 S.L.D. 478</u></i>	
	<i><u>Scola v. Ringwood Bd. of Ed., 1978 S.L.D. 413</u></i>	
	<i><u>Salerno v. Old Bridge Board of Ed., 1984 S.L.D. (April 28)</u></i>	
	<i><u>Larsen v. Woodbridge Board of Ed., 1985 S.L.D. (March 18)</u></i>	
	<i><u>Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93, (February 3, 1994)</u></i>	
	<i><u>In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97 NJAR 2d (EDU) 339</u></i>	
	<i>School Ethics Commission, Advisory Opinion, A01-93</i>	
	<i>School Ethics Commission, Advisory Opinion, A10-93</i>	
	<i>School Ethics Commission, Advisory Opinion, A021-93</i>	
	<i>School Ethics Commission, Advisory Opinion, A07-94</i>	
	<i>School Ethics Commission, Advisory Opinion, A33-95</i>	
	<i>School Ethics Commission, Advisory Opinion, A14-00</i>	

Adopted: 8/18/97

Revised: September, 1998, 12/16/08