

GOVERNANCE PROCEDURES
CODE OF CONDUCT

Rules for the Hearing of Complaints by the NJSBA Ethics Committee

Definitions

“Board of Directors member” means any individual who is a member or alternate of the NJSBA Board of Directors as set forth in Article VII of the NJSBA Bylaws.

“Board of Education member” means any person holding membership, whether by election or appointment, on any board of education other than the State Board of Education.

“Candidate” means a member of the NJSBA who is running for one of the NJSBA elective offices: President; Vice President for County Activities; Vice President for Finance and Vice President for Legislation/ Resolutions.

“Censure” means a formal public resolution read into the record of the NJSBA Board of Directors to rebuke an Officer or a member of the Board of Directors, Nominating Committee or Candidate for NJSBA Office who has been determined by the NJSBA Ethics Committee to have been in violation of the Officers, Board of Directors, Nominating Committee or Candidate for NJSBA Office Code of Conduct respectively.

“Complainant” means the person bringing a letter as to alleged violation of the Officers, Board of Directors, Nominating Committee or Candidate for NJSBA Office Code of Conduct to the NJSBA Ethics Committee.

“Days” refer to calendar days, unless otherwise stated.

“Executive Committee” means the Officers of the Association as set forth in Article V, Officers, of the NJSBA Bylaws.

“Indemnification” means the reimbursement of legal expenses pursuant to File Code GO/3530.

“Local Board of Education” means any board of education of a local or regional school district established pursuant to Chapter 8 or Chapter 13 of Title 18A of the New Jersey Statutes.

“Merit” means that on the face of the complaint, the facts, as alleged, constitute a violation of the referenced code of conduct.

“Removal from office” means that the respondent is found to have breached the referenced code and their term in office ceases upon the determination of the Board of Directors to remove respondent from office.

“Reprimand” means a letter from the Board of Directors rebuking the respondent for having been found to have breached the referenced code of conduct.

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“Respondent” means an officer, member of the board of directors, member of the nominating committee or candidate for NJSBA office against whom a letter has been filed with the NJSBA Ethics Committee.

“Suspension” means that the respondent is removed from performing the duties of their office for a stated period of time or until the Board of Directors takes action to discipline the respondent or dismiss the complaint.

Rules for the Hearing of Complaints by the NJSBA Ethics Committee (Continued)

Filing and Service of Letter

- A. A member of a local board of education and the NJSBA Executive Committee may file a letter with the NJSBA Ethics Committee alleging a violation of the Officers, Board of Directors, Nominating Committee or Candidate for NJSBA Office Code of Conduct within 90 days of the alleged violation.
- B. To file a letter with the NJSBA Ethics Committee alleging a violation of the Officers, Board of Directors Nominating Committee or Candidate for NJSBA Office Code of Conduct, a complainant must file a letter with the “Chair of the NJSBA Ethics Committee, c/o the General Counsel”, using the form set forth in these regulations.
- C. The NJSBA Ethics Committee shall accept no letter unless it is complete, signed and certified to by the complainant.
- D. Upon receipt of the letter, the NJSBA Ethics Committee or its designee shall send a copy of the letter by certified and regular mail to the named respondent within five (5) days.
- E. If the Executive Committee, based upon the facts known and in the interest of the NJSBA and its membership, determines that the alleged violation warrants immediate suspension of the respondent pending a final determination, it may act to suspend the respondent as follows: The Executive Committee shall advise respondent of the suspension immediately by direct contact and certified mail. Respondent may file a request to review the suspension, within 10 days of notice of the suspension, with the NJSBA Ethics Committee. The Ethics Committee will convene a meeting to review the suspension within 21 days of the request to review the Executive Committee action, consistent with the procedures set forth herein.

Response to the Letter

- A. Upon receipt of the letter from the NJSBA Ethics Committee, the respondent shall have 15 days within which to file a written statement under oath with the NJSBA Ethics Committee responding to the allegations set forth in the letter. Upon written application by the respondent, the NJSBA Ethics Committee or its designee may extend the time for filing such statement.

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- B. The respondent's statement shall respond directly to each allegation set forth in the complainant's letter.
- C. The respondent shall not generally deny the allegations but shall set forth substantive reasons why he or she believes the allegations are false or unfounded.
- D. Failure to respond to the complainant's letter within the 15 day period from receipt of the letter shall result in a notice by the NJSBA Ethics Committee or its designee to the respondent directing a response within 5 days of receipt. Failure to respond to the 5 day notice shall result in each allegation in the complainant's letter being deemed admitted and the NJSBA Ethics Committee shall make a determination as to whether merit exists and/or whether the letter should be dismissed.

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Mediation Appearance before the NJSBA Ethics Committee

- A. Prior to processing any letter or making a determination as to whether a letter has merit and no later than 10 days after receipt by the committee of the response to the complaint, the NJSBA Ethics Committee may convene a mediation appearance by the complainant and respondent before the NJSBA Ethics Committee chairperson and the NJSBA General Counsel and/or their designees.
- B. The purpose of the mediation appearance is to determine whether an amicable resolution of the issues raised in the letter can be reached prior to a formal determination as to whether the letter has merit.
- C. Should the parties reach an amicable resolution of the issues raised within the letter, the letter shall be withdrawn, the NJSBA Ethics Committee shall deem the matter closed and no further proceedings shall occur.
- D. Should the parties be unable to reach an amicable resolution of the issues raised in the letter, the matter shall proceed to a determination of whether the letter has merit.

NJSBA Ethics Committee Review – Determination of Merit

- A. The NJSBA Ethics Committee will not process any letter nor issue a final ruling on any matter pending in any court of law or administrative agency of this State.
- B. Upon receipt of respondent's response to the letter or the expiration of the time for filing such response, the NJSBA Ethics Committee shall determine whether the letter has merit.
- C. In order to carry out the NJSBA Ethics Committee's responsibilities to determine whether a letter has merit, the Committee may conduct investigations, hold hearings, compel the attendance of witnesses and the production of documents and examine such witnesses under oath.
- D. Unless otherwise deemed necessary by the NJSBA Ethics Committee, the determination of whether a letter has merit shall be made on the papers submitted and without the benefit of hearing. Said determination shall be made in closed session by majority vote within 15 days of receipt of the response to the letter or the expiration of time for the response.
- E. Should the NJSBA Ethics Committee determine that a letter has merit, the letter shall proceed to a hearing before the Committee.

N E W J E R S E Y S C H O O L B O A R D S A S S O C I A T I O N

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- F. Should the NJSBA Ethics Committee find the letter to be without merit, the Committee shall dismiss the letter and so notify the complainant and the respondent.

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Rules for the Hearing of Complaints by the NJSBA Ethics Committee (Continued)

NJSBA Ethics Committee Review Hearing Proceedings

- A. Within 30 days of a finding of merit and prior to any formal action on a letter of complaint, each party shall be provided an opportunity to meet with the NJSBA Ethics Committee, present evidence on his/her behalf, be represented by counsel or other advocate and present witnesses on his/her behalf.
- B. Each party or his/her counsel or advocate shall have the opportunity to make an opening statement to the NJSBA Ethics Committee, beginning with the complainant, and present any witnesses that he or she has brought. Each party will have 30 minutes to present his/her case. At the discretion of the NJSBA Ethics Committee, a party may be granted an additional 15 minutes. The complainant shall have the right of rebuttal and be allowed to present the last closing statement. The respondent may be present for the complainant's testimony and during the presentation of the respondent's defense.
- C. The NJSBA Ethics Committee may then ask questions of the parties and any witnesses. The parties may not question one another or each other's witnesses; however, the parties may submit questions to the NJSBA Ethics Committee prior to or during the meeting, which the NJSBA Ethics Committee may, in its discretion, ask of the other party.
- D. Any documents that any party wishes the NJSBA Ethics Committee to consider shall be provided at least 10 days prior to the hearing; provided, however, that if the documents are not provided prior to the hearing, but are brought to the hearing, then the party submitting them must bring an original and 7 copies.
- E. Any post-hearing submissions shall be provided within 7 days of the hearing.
- F. During the course of the proceedings before the NJSBA Ethics Committee, all relevant evidence is admissible.
- G. Within 30 days of the conclusion of the hearing, the NJSBA Ethics Committee shall determine by majority vote of the full membership of the committee whether the conduct complained about constitutes a violation of the Officers, Board of Directors, Nominating Committee or Candidate for NJSBA Office Code of Conduct.
- H. If a violation of the referenced code of conduct is found, the NJSBA Ethics Committee shall recommend to the Board of Directors the appropriate sanction, not to exceed a reprimand or censure of the respondent.

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- I. If no violation of the referenced code of conduct is found, the NJSBA Ethics Committee shall dismiss the matter.
- J. The NJSBA Ethics Committee's decision shall be in writing and shall be issued within 15 days of the dismissal or finding that the conduct complained about constitutes a violation of the Officers, Board of Directors, Nominating Committee or Candidate for NJSBA Office Code of Conduct.
- K. Hearings before the NJSBA Ethics Committee shall not be subject to the Open Public Meetings Act.
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Sanctions-Imposition by Board of Directors

- A. The Board of Directors shall act upon the NJSBA Ethics Committee's recommendation regarding the sanction. Prior to any formal action by the Board of Directors, all parties shall be provided an opportunity to address the Board of Directors. The imposition of any sanction shall require a majority vote of the full membership of the Board of Directors.
- B. If the Board of Directors imposes a penalty of reprimand, the Board of Directors shall adopt a Resolution of Reprimand and shall direct that the reprimand be forwarded to the respondent.
- C. If the Board of Directors imposes a penalty of censure, the Board of Directors shall adopt a Resolution of Censure and shall direct that the Resolution be read at the next public meeting of the Board of Directors.
- D. If the Board of Directors imposes a penalty of removal from office, the Board of Directors shall adopt a Resolution of Removal from Office and the respondent's term of office shall cease immediately.

Indemnification

There shall be no indemnification of the parties. See GO/3530.

Confidentiality

All matters before the NJSBA Ethics Committee shall remain confidential unless confidentiality is waived by the responding party.

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See: DA 11/13

See also: GO 9458