

# Ethics for School Officials 2025

Presented by:  
Field Services

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You should contact your board/school attorney for advice.

# School Ethics Act

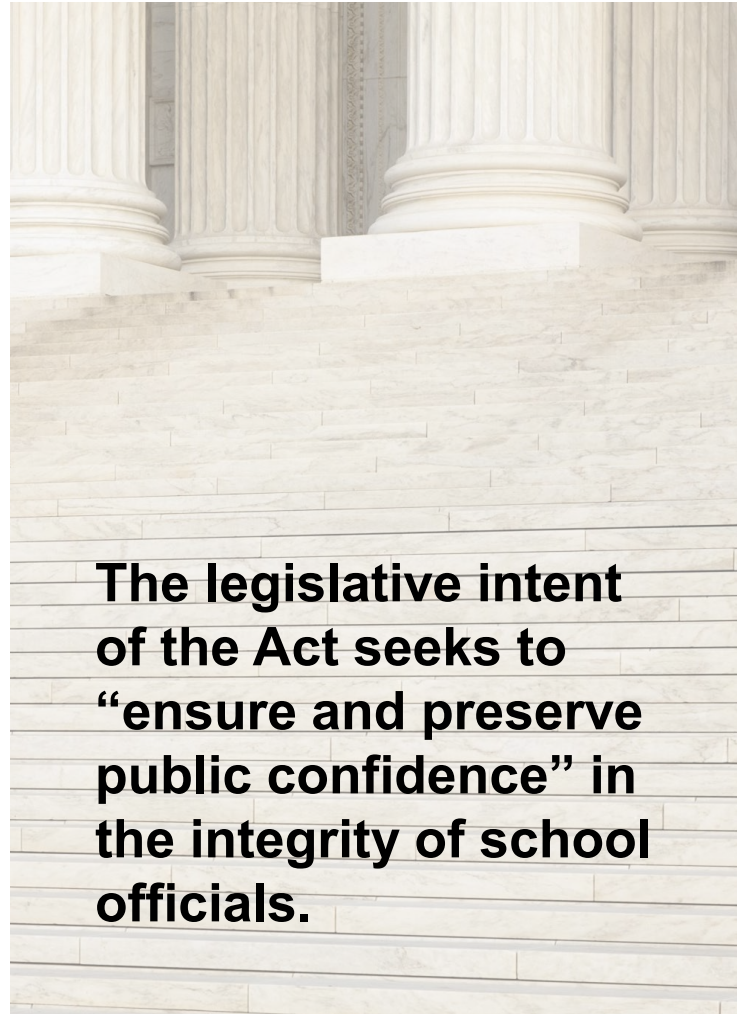
[N.J.S.A. 18A:12-21 et seq. \(P.L. 1991, c. 393\)](#)

It is essential that the conduct of members of local boards of education and local administrators hold the **respect** and **confidence** of the people.



These board members and administrators must **avoid conduct** which is in **violation** of their **public trust** or which creates a **justifiable impression** among the public that such trust is being violated.

# School Ethics Act



**The legislative intent of the Act seeks to “ensure and preserve public confidence” in the integrity of school officials.**

To guide their conduct, school officials should have:

- The benefit of some specific standards, and
- some disciplinary mechanism to ensure the uniform maintenance of those standards.

Considered to be the minimum ethical standards by which all school officials must abide. [C13-24](#)

# Provisions of the Act/Accountability

Provisions that Apply to Board Members/Trustees Only

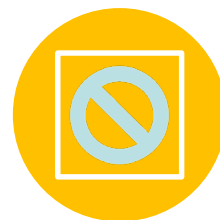


**Code of Ethics**



**Mandatory Training**

Provisions that Apply to ALL School Officials\*



**Prohibited Acts**



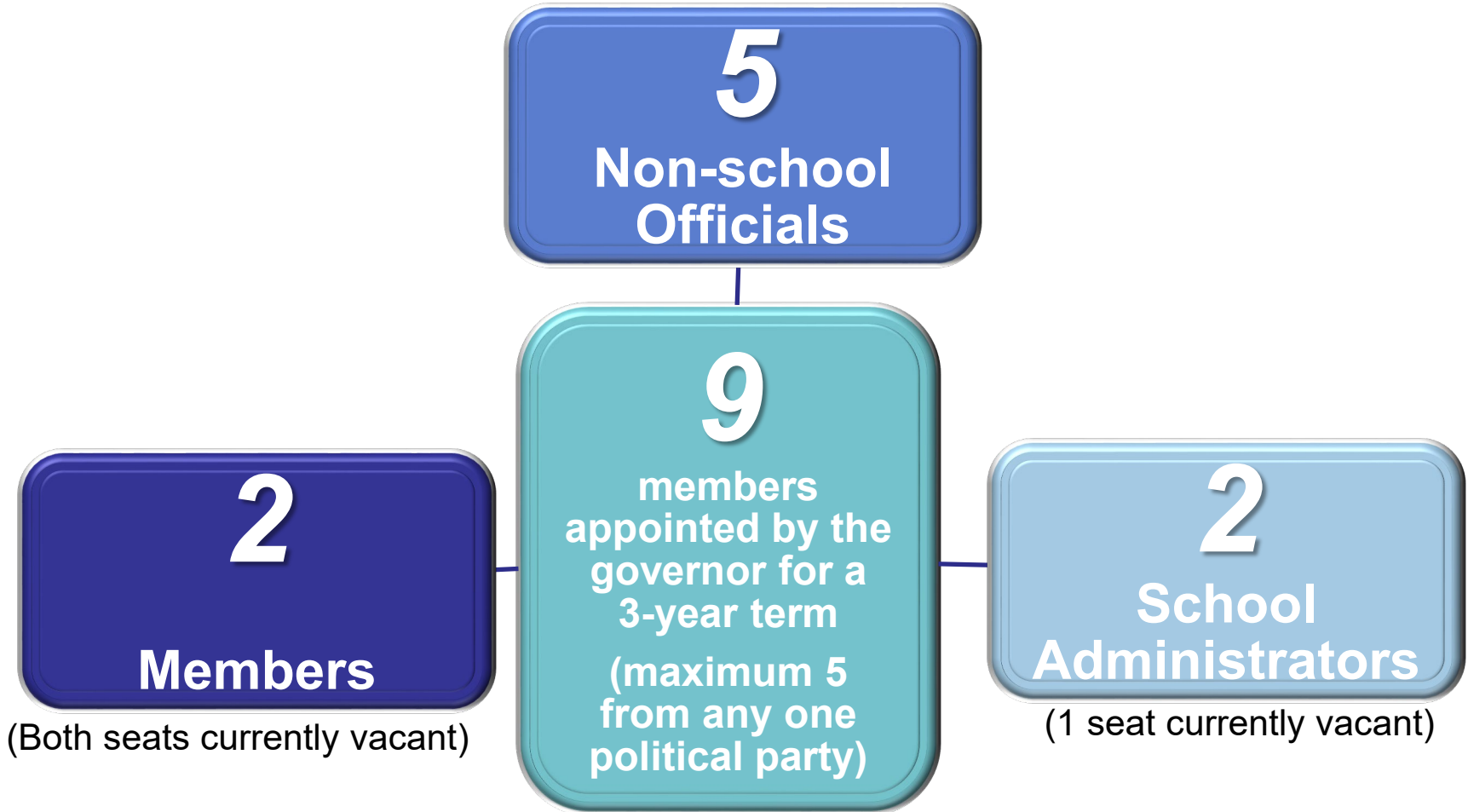
**Disclosure Statements**

\* Board members/trustees, some NJSBA staff, and administrators who hold School Administrator, Principal, or Business Administrator certificate or hold a position responsible for hiring and/or property/services purchase recommendations.

# Who Enforces the Act?

The School Ethics Commission is the body charged with enforcing the Act.

[N.J.S.A. 18A:12-27 \(a\)](#)





# Financial and Personal/Relative Disclosure Statements

## **New School Officials:**

Must file disclosure statement within 30 days of being sworn in or started work (administrator).

## **Returning School Officials:**

April 30 filing deadline.

Disclosure statements are public records on the SEC's website. A penalty may be imposed for failure to file a timely disclosure statement.

[N.J.A.C 6A:28-3.1-3.4](#)

# What Training is Mandatory?

N.J.S.A. 18A:12-33

By 1 <sup>st</sup> 90 days	<b>Governance 1 (New Board Member Orientation)</b> <ul style="list-style-type: none"><li>• Basic knowledge/skills, NJQSAC, HIB, CSA Evaluation, OPMA, Code of Ethics</li></ul>	
By end of Year 2	<b>Governance 2</b> <ul style="list-style-type: none"><li>• Finance/Policy</li></ul>	NJSBA provides this training through multiple options: <ul style="list-style-type: none"><li>• In-person</li><li>• Live-virtual</li><li>• Self-paced online</li></ul>
By end of Year 3	<b>Governance 3</b> <ul style="list-style-type: none"><li>• Student Achievement/Labor</li></ul>	
By end of Year following every Reelection or Reappointment	<b>Governance 4</b> <ul style="list-style-type: none"><li>• Legal Updates</li></ul>	



# Advisory Opinion

Any School Official  
(or attorney on their behalf)



may request an Advisory Opinion from the SEC as to whether anticipated **future conduct** of a school official within the same district/school would constitute a violation of the Act in the SEC's opinion.

6 Members  
of the SEC



may vote to direct the **opinion be made public\***, removing identifiable information.

\* Need 6 votes from SEC to make opinion public –  
Opinion is made public when impact is far reaching

# Advisory Opinion

- An advisory opinion is an “opinion as to whether any proposed activity or conduct would in [the School Ethics Commission’s] opinion constitute a violation of the provisions of [the School Ethics Act].” N.J.S.A. 18A:12-31.
- If the School Ethics Commission, the State administrative agency responsible for adjudicating violations of the School Ethics Act, has determined that the conduct which is the subject of an advisory opinion “would constitute” a violation of the School Ethics Act, school officials must avoid engaging in such conduct. Failure to do so would, following the filing of a complaint, likely lead to a violation and a recommended penalty.
- Look at existing Advisory Opinions before requesting one.

Link to Public Advisory Opinions:

<https://www.nj.gov/education/legal/ethics/advisory/index.shtml>



**If police tell you certain actions will result in arrest, do you test it or follow their guidance?**

# Advisory Opinions Released in 2024

Can a Board Member ...	Summary of SEC Response:
<a href="#">A14-24</a> . Review the resume of candidates before voting on the Superintendent's recommendation?	Whether it is allowed is outside the jurisdiction of the SEC. If allowed, role limited to observation/assessment. CSA solely responsible for selection.
<a href="#">A13-24</a> . Participate in negotiations if has an aunt employed in the district who is not a member of local union?	A member with a relative working in the district is unable to participate in any aspect of negotiations. Union contracts are the foundation for “non-unit” contracts.
<a href="#">A11-24</a> . Who works at the law firm representing employees that are suing the district vote on a candidate to fill a board vacancy since it could give a privilege to the law firm?	The Board member has already recused themselves from Executive session conversations regarding the cases and law firm “walled” them out of everything. Any member may choose a candidate who holds their views/interests, but Board must always be objective and exercise independent judgement.
<a href="#">A09-24</a> . Whose adult child works in the district as the Musical Director (stipend) and substitute (employer is 3 <sup>rd</sup> party provider) participate in matters related to the superintendent?	Working as a substitute is not a conflict as the 3 <sup>rd</sup> party is the employer. The stipend position of Musical Director would create a conflict – financial gain and reports to a staff member. Unable to participate in matters related to the stipend, superintendent, administrators in chain, and related negotiations.
<a href="#">A07-24</a> . Who co-own a business (ice cream shop) participate in fundraising requests to support the PTO and clubs through hosting events and advertising?	Services provided to the PTO, district families, and district organizations would violate the Act. Advertising solicitations open to the public at large and all businesses would not be a violation.

# Advisory Opinions Released in 2024

Can a Board Member ...	Summary of SEC Response
<a href="#">A06-24</a> . Whose adult child/district employee alleges that Board counsel has a vendetta against their family participate in matters related to Board counsel?	To preserve public trust, the member should recuse from any and all matters related to Board counsel.
<a href="#">A05-24</a> . Who received and used an endorsement from the local union in their campaign materials participate in policy matters relevant to union members?	Considering the type/level of union support provided and absent a financial contribution, it is not a per se conflict. (Note: member already agreed not to participate in negotiations in year 1.)
<a href="#">A04-24</a> . Whose adult children are voting members of a nonprofit board that has ties to the school district participate in matters related to the nonprofit?	Voting on matters where relatives serve as trustees is analogous to voting on a relative's employer. Involvement could violate public trust so the board member should recuse from any and all discussions and votes regarding the nonprofit.
<a href="#">A02-24</a> . Who has a tenuous history with the superintendent, including being fired as an employee, participate in matters related to the superintendent?	Due to the totality of actions by the member (filed a civil suit, circulated a petition to fire the superintendent, and put up billboards), participation in matters related to the superintendent would damage public trust and the foundation of the Board as a fair and impartial tribunal.
<a href="#">A01-24</a> . Who is a college professor and has taught or administered several district staff and student teachers, including the superintendent, participate in matters related to current or former students?	The member should recuse from any discussions or decisions related to any District personnel who were students in any related programs at the University, regardless whether the member was their instructor/advisor.

# Ethics Complaint

**Any person** may file a complaint with the SEC alleging a violation of the School Ethics Act.

The SEC will consider whether the facts and circumstances would lead a **reasonable person** to believe the Act has been violated.



Statement of specific facts in support of the allegation:

Date of occurrence: 180-day window.

I assert this to be a violation of: Section # of Act, for the following reason(s):

Factual evidence

# Penalties/Sanctions

## SEC Recommends to Commissioner



**REPRIMAND** - Rebuke by Commissioner that conduct violated standards but does not result in a formal resolution.



**CENSURE** - Formal disapproval by Commissioner publicized by adoption of resolution.



**SUSPENSION** - Barred from engaging any activity/matter for a designated period of time (30, 60 days, etc.)



**REMOVAL** - Immediate termination from Board membership or employment (if administrator).

# Code of Ethics for School Board Members Only

[N.J.S.A. 18A:12-24.1](#), [N.J.A.C. 6A:28-6.4\(a\)](#)

a.

I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

## Standards

Factual evidence shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that the respondent(s) failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that the respondent brought about changes through illegal or unethical procedures.

# Code of Ethics (continued)

b.

I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

## Standards

Factual evidence of a violation shall include evidence that the respondent(s) willfully made a decision contrary to the educational welfare of children, or evidence that the respondent(s) took deliberate action to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing.



# Code of Ethics (continued)



I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

## Standards

Factual evidence of a violation shall include evidence that the respondent(s) took official action to effectuate policies and plans without consulting those affected by such policies and plans or took action that was unrelated to the respondent's duty to: i. Develop the general rules and principles that guide the management of the school district, the charter school, or the renaissance school project; ii. Formulate the programs and methods to effectuate the goals of the school district, the charter school, or the renaissance school project; or iii. Ascertain the value or liability of a policy.

# Code of Ethics (continued)

d.

I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

## Standards

Factual evidence of a violation shall include, but not be limited to, evidence that the respondent(s) gave a direct order to school personnel or became directly involved in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district, charter school, or the renaissance school project.

# Code of Ethics (continued)



I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.

## Standards

Factual evidence of a violation shall include evidence that the respondent made personal promises or took action beyond the scope the respondent's duties such that, by its nature, had the potential to compromise the district board of education or the board of trustees.

# Code of Ethics (continued)



I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

## Standards

Factual evidence of a violation shall include evidence that the respondent(s) took action on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause; or evidence that the respondent(s) used the schools to acquire some benefit for the respondent(s), a member of the respondent's immediate family or a friend.

# Code of Ethics (continued)

g.

I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

## Standards

Factual evidence of a violation of the confidentiality provision shall include evidence that the respondent(s) took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Factual evidence that the respondent(s) violated the inaccurate information provision shall include evidence that substantiates the inaccuracy of the information provided by the respondent(s) and evidence that establishes the inaccuracy was other than a reasonable mistake or personal opinion or was not attribute to developing circumstances.

# Code of Ethics (continued)

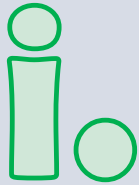
h.

I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.

## Standards

Factual evidence shall include evidence that the respondent(s) acted on a personnel matter without a recommendation of the chief administrative officer.

# Code of Ethics (continued)

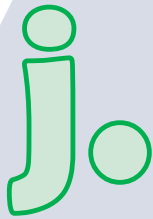


I will support and protect school personnel in proper performance of their duties.

## Standards

Factual evidence of a violation shall include evidence that the respondent(s) took deliberate action that resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties.

# Code of Ethics (continued)



I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

## Standards

Factual evidence of a violation shall include evidence that the respondent(s) acted on or attempted to resolve a complaint, or conducted an investigation or inquiry related to a complaint: i. Prior to referral to the chief administrative officer; or ii. At a time or place other than a public meeting and prior to the failure of an administrative solution.



# 2024 Cases Related to the Code of Ethics

C45-23. A board member felt a staff member personally “attacked” him at board meetings, so he called her principal, identifying himself as a board member. A member’s action to silence the public and/or encourage them not to attend future Board meetings by calling their employers to get them in trouble in the workplace can compromise the integrity of the Board.

N.J.S.A. 18A:12-24.1(e) **Censure.**

C24-22. A member was involved in ongoing efforts to reverse an HIB and Code of Conduct violation in her child’s record. Contacts were made to the CSA, Board, individual board members, and board counsel to further her personal agenda. This action is unrelated to board duties, the reversal directive is administering the schools, a non-board member would not have access to board counsel, and the action of influencing board members to overturn a CSA decision could compromise the Board.

N.J.S.A. 18A:12-24.1(c)(d)(e) **Reprimand.**



# 2024 Cases Related to the Code of Ethics

C89-21. A teacher was to be discussed in executive Session. A Board member sent a text message to a teacher where the Board member stated that the Board member could “accuse the Board President or Secretary or CSA of malfeasance if you did not receive the notice and they want to discuss you in Executive Session.” The Board member made a personal promise that he could take action if the teacher had not received a Rice notice. By sending such a message, the Board member acted beyond the scope of his duty, and the conduct had the potential to compromise the Board.

N.J.S.A. 18A:12-24.1(e) **Recommend Reprimand.**



# 2024 Cases Related to the Code of Ethics

C78-23. A 15+ year Board member took inappropriate action that was beyond the role of a Board member. The action of the Board member usurped the authority of the Superintendent who is responsible for making disciplinary recommendations. The Board member took it upon themselves to go to the employee's home, pick up a letter, present it on behalf of the employee, directed the BA to not give a copy of the letter to the Superintendent, and then instead of recusing herself from the matter, in which she had a personal interest and personal involvement, the Board member advocated on behalf of the employee and questioned the Superintendent recommendation of an employee.

N.J.S.A. 18A:12-24(b)(g) and N.J.S.A. 18A:12-24.1(c)(d)(f)(j).

Recommended Suspension - 60 Days.



# 2024 Cases Related to the Code of Ethics

[C-75-19.](#) A Board member recorded an endorsement video for a slate of 3 school board candidates that referenced the Board and the member's position on it while wearing a school identification badge. The video indicated this new team would be "assisting" the member on the Board and would result in a "new majority for change and fiscal responsibility." There is no evidence a disclaimer was used but the content of the endorsement would have negated the disclaimer. The member used their position on the Board to acquire a benefit for themselves and the candidates. This direct endorsement in their official capacity also has the potential to compromise the Board by calling into question the impartiality and autonomy of the Board and its members.

[N.J.S.A. 18A:12-24\(b\) and N.J.S.A. 18A:12-24.1\(e\)\(f\).](#)

**Recommended Censure**



# Recusal



**Recusal** – formally disqualify and remove oneself from participating in discussion and/or voting.

[N.J.S.A. 6A:28-1.2](#)

## Recusal vs. Abstention

When a conflicted board member votes, there is a distinction between recusal and abstention. If a board member has a legal conflict of interest on a matter, they should ***RECUSE from the discussion and the vote*** – not abstain.

Abstaining from a matter is not sufficient to memorialize the fact that a board member has a legal conflict and not eligible/able to vote.

Board counsel should advise on how the recusal impacts both quorum and the recording of votes.

# Prohibited Acts ([N.J.S.A. 18A12-24](#))

**Below is an excerpt.** For full content see:

<https://www.nj.gov/education/ethics/coi.shtml>

	<b>Recuse</b> yourself if there is a benefit to you (school official) or your immediate family due to:
a.	Business interest or professional activity in conflict.
b.	Use of position to secure unwarranted privileges, advantages or employment. Extends to “others” so may go beyond definition of immediate family.
c.	Financial involvement that may impair objectivity.
d.	Service or employment that may prejudice independent judgement.
e.	Gift, favor, etc. offered with intent to influence.
f.	Financial gain.
	<b>Other Considerations:</b>
g.	Shall not represent any person/party other than Board/district in matter before the Board.
h.	Not a conflict if not accruing a greater gain than any others.
i,j,k	(See <a href="#">N.J.S.A. 18A:12-24</a> )

# Benefit

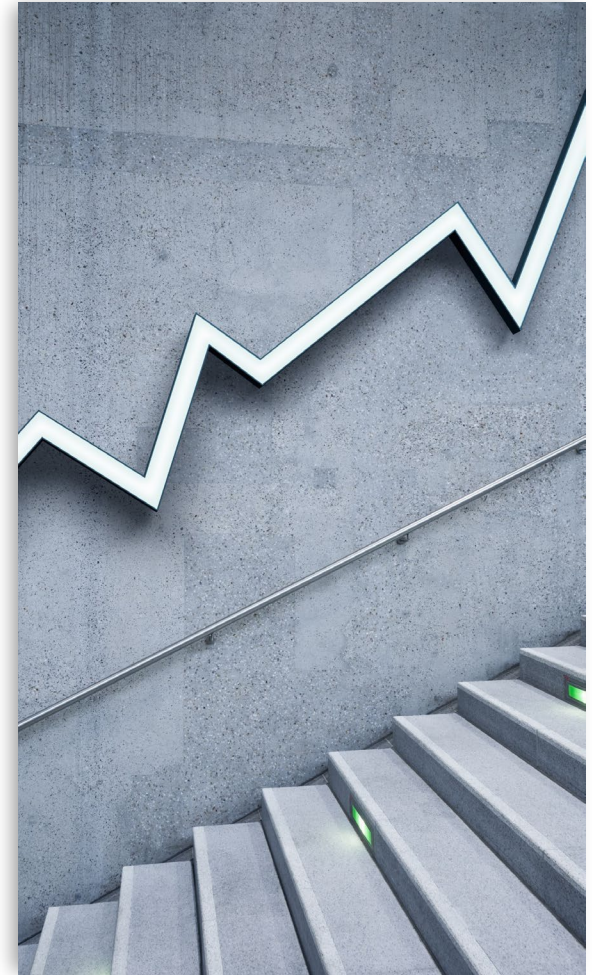
## N.J.A.C. 6A:28-1.1

The Ethics regulations definition of a benefit: a direct or indirect advantage, profit, privilege or gain whether personal, financial, or otherwise.

The determinative factor is the perception of the public, not the school official's belief that they are able to be objective.

C12-23. An acting superintendent's son was one of 160 individuals on a list of substitutes she recommended for Board approval. Not recusing herself constitutes using her position to secure employment for her son. Due to the son's financial involvement, it might reasonably be expected to impair her objectivity.

N.J.S.A. 18A:12-24(c) Reprimand.





# 2024 Conflict/Benefit Cases

C03-21. A member is president of the PSA (Parent/Staff Assoc) and owns a spirit wear company that donates merchandise to sell as a PSA fundraiser through the company's website, using the principal to promote the sale with the families. Use of his private company to transact/fundraise poses a conflict. Board members may not conduct business, donate goods/services, or collaborate with the PTO in the district they hold office. Parents may feel pressured, and the free advertising could garner benefits for the company. Contact with the principal could impair objectivity when voting on the principal's employment.

N.J.S.A. 18A:12-24 (a)(c) **Recommended Reprimand.**

C36-19. A board member voted on two resolutions to name a school building in honor of her supervisor with whom she had a political and professional relationship for over 20 years. That long-standing relationship could create a justifiable impression that objectivity/independent judgement could be impaired. Employer-employee relationships are a conflict due to an indirect financial involvement. Bestowing an honor may not only benefit her political ally but could also further the member's political interests.

N.J.S.A. 18A:12-24(c), N.J.S.A. 18A:12-24.1(f) **Recommended Censure.**





# Relationship Definitions

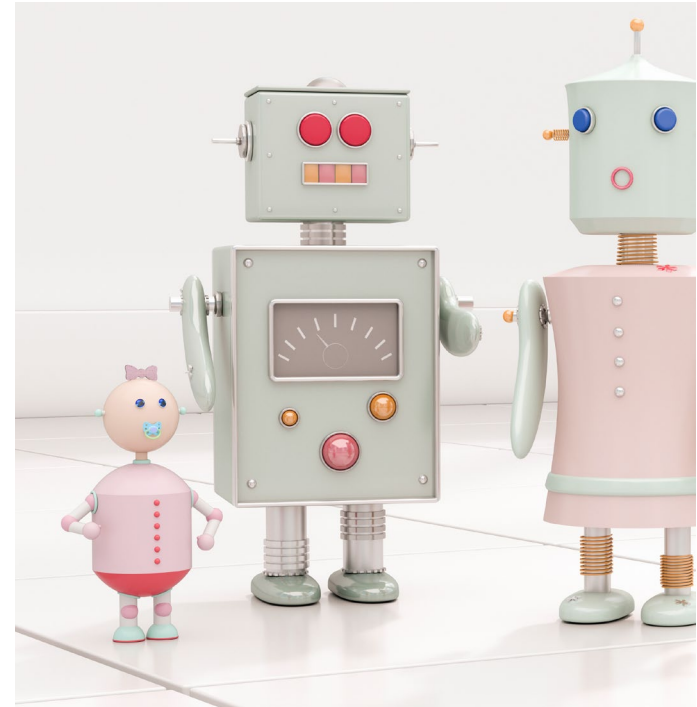
[N.J.A.C. 6A:23A-1.2](#)

**Immediate Family Member:** spouse, civil union/domestic partner, or dependent child residing in the same household.

**Relative:** Spouse, civil union/domestic partner or parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son/daughter-in-law, stepparent, stepchild, stepbrother/sister, half-brother/sister of the individual or the individual's spouse or partner by blood, marriage, or adoption. (Nepotism law).

Although term “relative” does not appear in Prohibited Acts or Code of Ethics, a relative can create a conflict.

Anyone not listed may be considered an “other” if a conflict exists. [A06-23](#) for a chart of who is/is not a relative.



# Hiring/ Personnel

May not hire  
the relative of  
a board  
member or  
chief school  
administrator.  
(Limited exceptions.)

**If the relative already works in the district:**



An administrator may not exercise direct or indirect authority over their relative.



A board member may not take part in employment matters concerning CSA or supervisors in chain of command between the relative and CSA.



A board member may not take part in the search, selection or vote to hire a new CSA, and post-hire evaluations and contract discussions.

# Collective Bargaining

A24-17 A13-24

Relationship to Board Member	Works in District	Current Member of a Statewide Public Teachers' Union	Participate in Negotiations	Vote to Ratify the Contract
• Immediate Family Member or Relative	Yes	Yes/No	No	No
• Self • Immediate Family Member	No	Yes	No	Yes* **
• Relative	No	No	Yes*	Yes*

\* Absent another conflict –Heightened union involvement, linkage

\*\* After Memorandum of Agreement, salary guides, total compensation package attained.



# Campaigns & Collective Bargaining

Board members who receive union endorsements may be conflicted from collective bargaining if negotiations begin within a year of the election. [C10-24](#)

Endorsement of candidate by a local and/or national statewide union doesn't create a per se future conflict unless a financial contribution is given with the intent to influence. [A10-18](#)



# Impact on Committee Assignments when Relative Works In-District

A05-23: Board president - child is instructional assistant.

Cannot choose the chair/committee members nor be on any committee(s) that remotely touches upon or directly relates to the family members' employment including, but not limited to personnel, negotiations, instructional, and finance committees.

Board member's spouse works in technology department.

Cannot be involved in any and all matters (including service on a committee(s)) that remotely touch upon or directly relate to the spouse's employment including, without limitation, the personnel, negotiations, and/or finance committees.

C07-24: Board member's domestic partner is transportation specialist. SEC advised would be prudent not to serve on the transportation committee.



# Advice of Counsel Defense for Penalties

Reliance on advice of counsel is not a defense to a violation, but rather only serves to mitigate the penalty. [C96-21](#)

Prerequisite factors to an “**advice of counsel**” defense for penalties:

- 1) Approval/advice was received prior to the action;
- 2) The individual who offered the advice or approval relied upon possessed authority or responsibility;
- 3) All pertinent facts and circumstances were fully disclosed; and
- 4) The individual complied with the advice received.

All four factors of the “advice of counsel” defense must be met. Very fact/case specific.



# Volunteering in School

[A07-00](#), [A32-14](#), [A10-15](#), [A17-15](#), [A15-18](#)

Volunteerism in the school is not discouraged, but it must be carried out within the obligations of the School Ethics Act. The SEC considers the **degree of:**

## Involvement

with staff and students  
(Frequency/Level of  
Interaction)

## Authority

to give and receive directions/  
orders to staff/students and  
resources/funds

Code of Ethics	Volunteer Activity
(c)...confine my board action to policy making, planning, and appraisal.	An active presence in the school with heightened involvement in school-sponsored activities with regular contact with students, parents, and staff is acting beyond one's duties.
(d)...to not administer the schools.	Giving/receiving directions/orders from staff and becoming directly involved in activities/functions that are the responsibility of school personnel may be perceived as administering the schools.
(e)...nor take any private action that may compromise the Board.	Significant involvement in school events may blur the line between colleague and school official and may come under scrutiny when participating in negotiations or voting on the contracts/salaries of the individuals you worked so closely with.

# Volunteering in School

[A07-00](#), [A32-14](#), [A10-15](#), [A17-15](#), [A15-18](#)

## Examples from SEC/Advisory Opinions:

Considered an Inherent Violation	Not Inherent Violation (each situation unique)
<ul style="list-style-type: none"><li>• Assist spouse who is a staff member with casting, rehearsals, lighting for school plays – regular contact with staff/students, active presence in school and no way to avoid giving/receiving orders.</li><li>• Leader of a student club – regular ongoing contact with students.</li><li>• Volunteer football coach for school's team due to level of interaction with staff and students.</li></ul> <p>(<a href="#">C11-24</a>)</p>	<ul style="list-style-type: none"><li>• One-time or infrequent/intermittent activities: Read Across America, field trip chaperone, etc.</li><li>• Construct sets for plays and load/move marching band equipment. Limited interaction.</li><li>• Executive officer of PTA, Homeroom parent, Coordinator of PTA events – passive, defer to staff.</li></ul>

## Suggested:

- Advise superintendent you will be in school as parent/ volunteer.
- Refrain from any related Board discussion or vote.



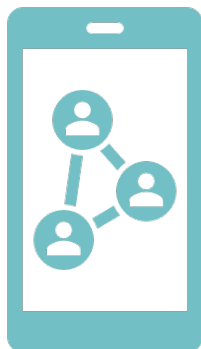


# Social Media

When a board member makes a statement, the SEC must consider the [content](#), [substance](#), and [context](#) of the statement and determine if a reasonable person would believe the statement was made in their official capacity. [C52-23](#)



Is there a  
NEXUS  
between the post  
and the  
role/membership  
on the Board?



Nexus Example	No Nexus Found
A member discussed, without a disclaimer, a policy she moved to abolish, indicating it was reviewed by board counsel and opposed by 4 board members. <a href="#">C84-23</a>	A board member shared a campaign image of 3 candidates running for the Board without any further comment on a personal social media page. <a href="#">C88-23</a>

# Social Media Disclaimer

Using a disclaimer can help to clarify if a member is speaking in his or her official capacity and pursuant to his or her official duties; however, the presence of a disclaimer is not dispositive. [C10-24](#)

## Suggested SEC disclaimer



*"The following statements are made in my capacity as a private citizen, and not in my capacity as a board member. These statements are also not representative of the Board or its individual members and solely represent my own personal opinions."*

**Using both parts of the disclaimer** provides clarity.

A member endorsed some board candidates and advocated against a candidate. The disclaimer only indicated the opinions were his own and did not include that the views were not representative of the Board, creating the appearance the entire Board endorsed certain candidates. [208-21 SEC](#)

# Disclaimer Q & A

If I use a disclaimer, does that automatically protect me from being in violation of the Act?

- No, but it does help clarify the capacity in which you are speaking.

What could cause me to be in violation with a disclaimer?

- Based on the content, if a reasonable member of the public could perceive you are speaking in official capacity or pursuant to official duties, that could make the disclaimer inadequate and of no force or effect.

If I don't use a disclaimer does that mean I am automatically in violation of the Act?

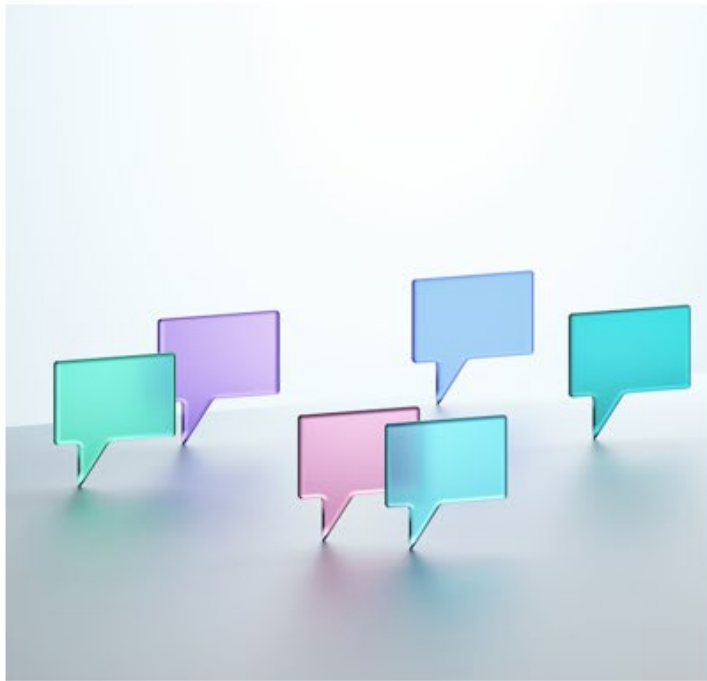
- No, regardless if a disclaimer was used or not, capacity speaking from, content, & perception matter.

Must I use the exact disclaimer wording from the SEC?

- The failure to parrot the exact language recommended will not mean that did not use an appropriate disclaimer.



# Social Media – General Guidance



## **Account that identifies you as a board member:**

- Once elected, it is no longer appropriate to use one's campaign page to post on social media. It can only cause confusion as to the capacity in which one is speaking, and this will invariably lead to the filing of ethics complaints. Transparency in communication cannot be overstated. [C106-22](#)
- Any Social Media account that inherently indicates your position as a Board member could not be used. [A36-14](#)

## **“Like” or Share a Post from Personal Account**

- The mere “liking” or sharing of a social media post from a personal social media account would not cause a reasonable member of the public to perceive you are as speaking in your official capacity, or pursuant to your official duties as a member of the Board. [C123-22](#)

## **Administrator of Social Media page**

- Serving as the administrator of a social media page is not a per se violation nor is the viewpoint of a post on its own. However, the administrator maintains responsibility for the content so could potentially violate the Act by the nature of the posts they allow/approve. [C64-23](#)

# Thank You for Serving Your Community



It is recognized that you, as a member of the Board, are contributing your valuable time, skill and effort to the community you serve. This service, in itself, is among the most important kind of volunteerism in which an individual can engage.

[A17-15](#)

# Resources

School Ethics Act	<a href="https://www.nj.gov/education/ethics/act.shtml">https://www.nj.gov/education/ethics/act.shtml</a>
School Ethics Commission Decisions	<a href="https://www.nj.gov/education/legal/ethics/">https://www.nj.gov/education/legal/ethics/</a>
FAQ – Request Advisory Opinion	<a href="https://www.nj.gov/education/ethics/advisory.shtml">https://www.nj.gov/education/ethics/advisory.shtml</a>
School Ethics Commission	<a href="https://www.nj.gov/education/ethics/">https://www.nj.gov/education/ethics/</a>