



Steven Le

Re: Union Township Board of Education ("Board")

Dear Mr. Le:

In accordance with a motion approved by the Board at its meeting on August 17, 2016, and as a result of statements made by you on Facebook and when requesting information from the Superintendent of Schools, I am communicating to you violations of Board Bylaw 9271 and violations and potential violations of the Code of Ethics (*N.J.S.A. 18A:12-24.1 et seq.*).

Facebook

The following is a summary of your statements on Facebook:

- I hope the intent of the policy was not rooted in politics. If the intent of the policy is to root out people who support certain politics, that could violate federal laws pertaining to job discrimination and equal opportunity employment. I however did ask our counsel if this policy violates the equal opportunity act or other job discrimination laws, and he said no. But I cannot speak on behalf of the supporters and sponsors on the policy's intent. You would need to e-mail or contact them.
- Ok. Thanks for clarifying.
- I voted against this policy, because this is a bad policy, plain and simple. There are better ways to tackle teacher retention. Some reasons like family or personal matters are beyond any Board's control, and this policy would be inflexible to those circumstances. But to those who leave because of school staffing action, pursuits for other jobs, or general dissatisfaction, the best approach should be an examination of our current practices in professional development, and not the "it's my way or the highway" tone this policy sets for our district. Our mission statement says that we want to "promote a supportive learning environment" for students. We need to do that same for our faculty and staff. Just my thoughts as an individual board member.
- To clarify my remarks, the reason I said that because this specific policy has no provision for appeal and override. Here's a link to the policy the Board voted on: <http://nj.twpunion.schoolboard.net/.../July%202016-POL-1...> (FYI - you'll also see it's not mandated by the state and not a recommendation by the NJ School Boards Association.

- It's unfortunate you think of that, because I'm concentrated on the actual policy and how it actually affects faculty, staff, and the children. That should always be a forefront of any debate or discussion regarding BOE matters.
- Susan, I'll defer you to the Central Office to get that information. I just hopped on to share my thoughts on that policy. <http://www.twpunionschools.org/Administrator/index.Html>

Board of Education Bylaw 9271 sets forth the following:

D. I will behave toward my fellow board members with the respect due their office- demonstrating courtesy, decorum and fair play at all public meetings and in all public statements.

E. I will refrain from inappropriate conduct in public meetings and in making public statements, refraining from any disparagement of my fellow board members or others on a personal, social, racial or religious basis.

The statements that you made did not demonstrate courtesy or fair play toward your fellow Board members. When Board Policy 4110 was debated and approved at the July 19, 2016 Board meeting, all Board members were given an opportunity to express their opinion regarding the policy. At the meeting you publicly expressed your opinion. The comments you made on Facebook should have been made at the Board table where other members would have had an opportunity to respond. Facebook is not the place to be setting forth objections to a policy passed by the majority of the Board. Importantly, it is very difficult for a Board member to come across as a private citizen when making a comment about a Board matter without it appearing that he/she is not talking as a member of the Board. The cases are clear that a Board member when making a public statement in a forum other than a Board meeting must set forth he/she is making the statement as a "private citizen."

I would also caution you regarding the accuracy of your statements. Your statement that "this specific policy has no provision for appeal and override" is not accurate and was erroneously stated. Board policy 9314 permits a policy, bylaw or regulation to be suspended with the superintendent having emergency powers.

Your statements that "...those who leave because of school staffing action" and "examination of our current practices in professional development" undermines the actions of District administration. I would encourage you to talk with Mr. Tatum regarding issues of school staffing and professional development.

N.J.S.A. 18A:12-24.1 (e) sets forth that a Board member "...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." In your statements on Facebook you stated that you were speaking as an individual Board member. As previously set forth, it is important at all times that a Board member, other than when at a Board meeting or Board function, be clear that he/she is speaking as a private citizen and not as a Board member. To do otherwise potentially permits a third party to draw the conclusion that statements were made on behalf of the Board or by other members who voted against the policy.

Steven Le
August 22, 2016
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Request for Personnel Information

You requested from Mr. Tatum "prepared printed copies of the all candidates considered for the Business Administrator/Board Secretary and Assistant Superintendent position...."

The Code of Ethics sets forth that a Board member will: "(c) 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; (h) vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer; and (i) will support and protect school personnel in proper performance of their duties."

In requesting the information you violated one or more of the sections of the Code of Ethics listed. By requesting the information, your actions went beyond "policy making, planning and approval." Moreover, requesting information on all candidates for the two positions prior to the Board considering the Superintendent's recommendation circumvents the authority of the Superintendent to make all personnel recommendations for the Board's consideration. Finally, your actions of requesting the information did not support the Superintendent in the performance of his statutory duty to make all personnel recommendations to the Board.

In conclusion, I am advised that your exchange on Facebook was not the first time that you made statements which potentially violated the Code of Ethics. Going forward and as a Board member, I would strongly recommend that you cease and desist from making any comments using Facebook or any other social media. Importantly, while you stated your comments were as an individual Board member, it is the perception of the public and not yours as to whether you are speaking on behalf of the Board or as a private citizen.


I would also recommend that you be aware of your obligations as set forth in Board policy and your relationship to fellow Board members and any actions taken by the Board in furtherance of and in support of the students enrolled in the Union Township Public Schools. Finally, please be reminded that anything discussed in executive session of the Board is confidential and it is a violation of the Code of Ethics to share with anyone other than a Board member and others who were present what was discussed in executive session.

Please contact me if you have any questions.

Thank you.

Very truly yours,

SCIARRILLO, CORNELL, MERLINO, McKEEVER & OSBORNE, LLC



Paul E. Griggs
PEG/klb

cc: Mr. Gregory A. Tatum, Superintendent
Mr. Vito Nufrio, President