

## A Disqualifying Act

**SCENARIO:** The executive director of a state superintendent association learns of the candidacy of a member in good standing for an elected position on the organization's board. The candidate is the ex-husband of a family friend known well to the executive director, who is aware this man brutally beat his wife before she divorced him. The executive director does not want to see the candidate elected to the board, which is considered a prestigious professional role. With the election in six months, the executive director is at a loss for what to do.



**SHELLEY BERMAN:** As “conduct unbecoming,” assault and battery would be cause for a superintendent’s termination, let alone ineligibility for a position on the association’s board. Apparently, whatever domestic violence occurred has not become public, although it may appear in the divorce proceedings or a police log.

It is not the director’s prerogative to insert himself into a domestic situation and reveal this information publicly. The ex-wife may have significant reasons not to divulge it. If she wants it to become public, she is the person to take that step.

Given the director learned of the incident from the ex-wife, he should explain to her that it would be inappropriate for him to publicly reveal the incident. The executive director must remain neutral in the board elections, ensuring the process runs properly but not intervening with regard to any candidate, even while finding the superintendent’s actions abhorrent.

**MAGGIE LOPEZ:** The executive director must move forward and address the issue with this board candidate, and the board candidate needs to come clean on what happened. In preparation for meeting

with the candidate, the executive director should consult with the organization’s legal counsel and review the association’s bylaws regarding board ethics and character.

The executive director is in a precarious position. If he/she ignores knowledge of the assault on the ex-wife, he/she could be accused of covering for the candidate. When the director speaks to the candidate, the candidate could deny the event if there is no proof or accuse the executive director of tampering with the slate of candidates and trying to ruin his reputation. Ultimately, if evidence shows the assault occurred, it could further impact the candidate’s school district job.

**MAX MCGEE:** The executive director has multiple options but should start by gathering documentation about the incident from the family friend, court records or media coverage. With documentation, the director ought to let the candidate know how this matter will negatively impact their working relationship if elected and request he withdraw.

If the candidate declines, the director should prepare profiles of all candidates to share in advance of the election that will include information from detailed background screenings, including criminal records.

If documentation of abuse is not available and the candidate refuses to withdraw, the executive director must put aside personal animosity and let the election run its course.

**MARYELLEN ELIA:** It appears the executive director knew of the abuse allegations before this member became a declared candidate but chose not to raise the issue to protect the privacy of the ex-wife, which is understandable.

Raising the issue now presents two risks if the allegations were to become public: (1) it would make the board’s vetting process look weak; and (2) if the candidate wins, the board’s good reputation would be tainted by seating an alleged spouse abuser.

The executive director ought to privately discuss with the candidate, in a non-threatening way, to ask him to consider withdrawing for the board’s greater good or he could take the matter to the association’s board president to find a solution.

Each month, *School Administrator* draws on actual circumstances to raise an ethical decision-making dilemma in K-12 education. Suggestions for dilemmas may be submitted to [magazine@aasa.org](mailto:magazine@aasa.org).

The Ethical Educator panel consists of **SHELLEY BERMAN**, former superintendent, Andover, Mass.; **MARYELLEN ELIA**, president, Success for Students, Tampa, Fla.; **MAGGIE LOPEZ**, retired superintendent, Colorado Springs, Colo.; and **GLENN “MAX” MCGEE**, president, Hazard, Young, Attea and Associates, Schaumburg, Ill. Expanded analyses appear in the magazine’s online edition.

See the panelists’ full analyses of this case and read the AASA Code of Ethics at [www.aasa.org/SAethics.aspx](http://www.aasa.org/SAethics.aspx).