

# RHODE ISLAND ETHICS COMMISSION

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## Advisory Opinion No. 2025-7

Approved: January 28, 2025

**Re: Kathryn M. Crowley**

### **QUESTION PRESENTED:**

The Petitioner, a member of the Cranston School Committee, a municipal elected position, requests an advisory opinion regarding whether the Code of Ethics prohibits her from participating in the collective bargaining negotiations with the Cranston teachers' union, and from voting to approve or reject the negotiated collective bargaining agreement, given that her daughter-in-law is employed as a guidance counselor in the Cranston School District and is a member of the local teachers' union.

### **RESPONSE:**

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Cranston School Committee, a municipal elected position, is prohibited by the Code of Ethics from participating in the collective bargaining negotiations with the Cranston teachers' union, given that her daughter-in-law is employed as a guidance counselor in the Cranston School District and is a member of the local teachers' union. The Petitioner may, however, participate in the decision to accept or reject the union contract as a whole, provided that her daughter-in-law is impacted by the contract as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

The Petitioner is a member of the Cranston School Committee, to which she was recently elected in November 2024. The Petitioner represents that her daughter-in-law is employed as a guidance counselor by one of the charter schools in the Cranston School District and is a member of the Cranston teachers' union. The Petitioner further represents that, prior to her retirement, the Petitioner was the East Providence superintendent of schools and has vast experience with contract negotiations. Therefore, she would like to serve on the school committee's negotiation team that will be involved in negotiating a new collective bargaining agreement between the school district and the Cranston teachers' union. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether she may participate in the school district's contract negotiations with the Cranston teachers' union and in the school committee's vote to approve or reject the negotiated contract with the union.

Under the Code of Ethics, a public official may not participate in any matter in which she has an interest, financial or otherwise, that is in substantial conflict with the proper discharge of her duties or employment in the public interest. R.I. Gen. Laws § 36-14-5(a). A public official will have an interest that is in substantial conflict with her official duties if she has reason to believe or expect that a direct monetary gain or a direct monetary loss will accrue, by virtue of her public activity, to the public official, any person within her family, her business associate, or any business by which she is employed or which she represents. R.I. Gen. Laws § 36-14-7(a). Further, § 36-14-5(d) prohibits a public official from using her position or confidential information received through her position to obtain financial gain, other than that provided by law, for herself, any person within her family, her business associate, or any business by which she is employed or which she represents.

Additionally, 520-RICR-00-00-1.3.1 entitled Prohibited Activities-Nepotism (36-14-5004) (Regulation 1.3.1) contains specific regulations aimed at curbing nepotism. Regulation 1.3.1(B)(4)(a) specifically addresses participation in collective bargaining/employee contracts and provides that “[n]o person subject to the Code of Ethics shall participate in negotiations relative to an employee contract or collective bargaining which addresses or affects the employment, compensation or benefits of any person within his or her family or a household member.” This blanket prohibition against involvement in contract negotiations is based on an understanding that, during negotiations, the impact of decisions as to individual components of a contract can be difficult to predict. For that reason, a public official’s participation in a contract issue that is seemingly unrelated to a family member can have a resulting impact on other areas of the contract that would directly affect the family member.

However, Regulation 1.3.1(B)(4)(b) provides that a person subject to the Code of Ethics may participate in a decision to accept or reject an entire employee contract or collective bargaining agreement that has been negotiated by others, provided that the person within his or her family or household member is impacted by the contract or agreement as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class. The basis for allowing such participation is an assumption that a vote on an entire contract, once negotiated by others, is sufficiently remote from individual contract issues impacting a family member so as not to constitute a substantial conflict of interest in violation of the Code of Ethics.

The Ethics Commission has issued numerous advisory opinions interpreting Regulation 1.3.1. For example, in Advisory Opinion 2019-19, the Ethics Commission opined that a member of the Warwick School Committee was prohibited from participating in the negotiation of the teachers’ union contract, given that his mother was a member and officer of the teachers’ union. However, the petitioner could participate in the school committee’s discussion and decision-making relative to approving or rejecting the contract in its entirety once it had been negotiated by others. See also A.O. 2018-49 (opining that a member of

the Cumberland School Committee was prohibited from participating in the negotiation of the teachers' union contract, given that his spouse was a teacher with the Cumberland School Department and a member of the local teachers' union, but could participate in the vote to ratify the contract in its entirety, provided that his spouse would be impacted by the contract as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class).

Here, the Petitioner's daughter-in-law is a "person within . . . her family," as that term is defined in Regulation 1.3.1(A)(2), and a member of the Cranston teachers' union that is a party to the collective bargaining agreement. Accordingly, based on the Petitioner's representations, the relevant provisions of the Code of Ethics, and prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is prohibited from participating in the collective bargaining negotiations of the Cranston teachers' union contract. The Petitioner may, however, participate in the decision to accept or reject the teachers' union contract as a whole, provided that her daughter-in-law will be impacted by the contract as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

Finally, although the Petitioner is permitted to participate in the discussion to approve or reject the contract as a whole, the Ethics Commission is aware that a general discussion can quickly devolve into a more narrow review of specific contractual provisions. The Petitioner must be vigilant to identify such instances where a general discussion to approve the contract begins to focus on individual contract provisions that are likely to financially impact her daughter-in-law. In such circumstances, the Petitioner must recuse from participating in such discussion consistent with the provisions of R.I. Gen. Laws § 36-14-6 of the Code of Ethics or seek further guidance from the Ethics Commission.

**This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, ordinance, constitutional provision, charter provision, or canon of professional ethics may have on this situation.**

Code Citations:

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-14-6

§ 36-14-7(a)

520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism (36-14-5004)

Related Advisory Opinions:

A.O. 2019-19

A.O. 2018-49

Keywords:

Collective Bargaining

Negotiations

Nepotism