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Nonprofit Strategies



SAN LUIS OBISPO COUNTY COMMUNITY FOUNDATION

Can married couples do their duties on boards?

By Barry VanderKelen

When a married couple serves on a nonprofit board together, do their duties to each other conflict with their duties to the organization? Is there a hierarchy of duties that gives higher priority to a spouse?

According to California law, spouses are obligated to give each other mutual respect, fidelity and support. Spouses have a duty to act in the highest good faith and fair dealing with each other and are forbidden from taking unfair advantage of the other. Does this mean they must vote alike as board members? Is this especially true if one is an officer of the board?

Members of boards of directors have three duties to the nonprofit: care, loyalty and

obedience. Directors will exercise best judgment on issues affecting the organization; they will put aside personal and professional interests; and they will make sure the organization stays true to its mission. Does this mean spouses are not allowed to confer before a vote?

A careful reading of family and corporations law does not indicate it is a conflict of interest for spouses to serve together on a nonprofit board. If they do serve together, however, they must take special care not to let family matters influence organizational matters, and, conversely, they must not let organizational matters harm the spousal relationship.

The greater danger to the organization is when the couple

does not act independently. On small boards, any guaranteed voting bloc hampers the effectiveness of the board. On larger boards, a couple seen as a bloc might find their input discounted.

If fulfilling the duties to the organization causes problems at home, or if fulfilling duties at home prevents spouses from being effective board members, one or both people should resign from the board. Not doing so risks both their relationship and the organization.

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Resource Use

- Support nonprofit leadership
- Board development/training
- Strategic planning

Nonprofit Business Column of *The Tribune*

Barry VanderKelen, Executive Director of the San Luis Obispo County Community Foundation writes a bi-weekly column to help strengthen nonprofit organizations in the community.

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