



## 3003 B

### Procedures: Nepotism

**Regulation 3003 B**

Original Adoption: 1/14/2014

Effective Date: 01/15/2014

Revision Dates:

Review Dates:

#### I. PURPOSE

The purpose of this regulation is to establish the procedures for requesting exceptions to the nepotism policy, reporting suspected breaches of the policy and the responsibility of the administration to respond to applications and reports.

#### II. EXCEPTIONS

- A. **Pre-existing relationships.** Upon disclosure of a relationship of an employee, prospective employee or contractor to another district employee currently employed in the same school, department, division or program, the supervisor of the newly hired, assigned, transferred or contracted individual may make an application for an exception to the nepotism policy to the Superintendent, or Superintendent's designee.
1. Applications shall be made in writing containing the following information:
    - a) The relationship between the two related persons;
    - b) The positions to be held by the two related persons;
    - c) Whether any administrative or supervisory relationship would exist between the two related persons;
    - d) Special circumstances that support the granting of an exception, such as, but not limited to:
      - [1] Particular expertise or skill of one or both of the related persons;
      - [2] Scarcity of applicants or potential contractors licensed or otherwise qualified for the position;
      - [3] Absence of any administrative or supervisory relationship likely between the related persons.
  2. The Superintendent, or Superintendent's designee, shall consider whether or not an exception is warranted on the basis of:
    - a) the special circumstances described in the application
    - b) whether or not a conflict of interest is likely to occur, and
    - c) whether a perception of conflict of interest is intrinsic in the assignment.
  3. The Superintendent, or Superintendent's designee shall deliver a decision in writing granting or refusing an exception with findings made upon the considerations.
  4. If an exception is granted the Superintendent, or Superintendent's designee, shall include in the terms of the exception alternative administrative or supervisory arrangements regarding the related person.
  5. If the newly hired, assigned, transferred or contracted individual is a related person to the Superintendent, the application for an exception shall be made to the Board of Education, which may grant or deny the exception, and shall impose alternative administrative or supervisory requirements as a condition of the exception.



- B. **New Relationships.** If a related person relationship develops after the hire, assignment, transfer or contracting of an individual, the relationship must be reported to the supervisor(s) of both parties to the relationship. The Supervisor of the more senior employee may make an application for an exception, or may recommend a transfer of one of the employees.

### III. REPORTING

- A. Any person may report a suspected breach of the nepotism policy.
- B. Reports of suspected breach of the nepotism policy shall be made to the Employee Relations Department. Reports should preferably be made in writing, but may be made orally. Oral reports shall be reduced to writing by the receiving employee relations employee.
- C. Reports of suspected breaches shall be reported by the employee relations department to the General Counsel.
- D. All reports of alleged breaches of the nepotism policy shall be investigated by the employee relations department except if the breach concerns a relationship with an employee in the department. Alleged breaches in the employee relations department shall be investigated by the General Counsel's office.
- E. All investigations of a suspected breach shall include an evaluation of whether a conflict of interest has been created.
- F. A report of the investigation and any findings made shall be given to the Chief Officer of the Human Resources Department and a copy given to the Superintendent. Such a report shall make a finding of one of the following:
1. No breach found;
  2. A non-willful breach found, recommendation for transfer of one or more of the employees;
  3. A non-willful breach found, recommendation for an exception.
  4. A willful breach found, recommendation for discipline.

### IV. DISTRICT ACTION

- A. Based on the investigation report the Superintendent, or the Board of Education if the relationship is to the Superintendent, shall either accept the recommendations for action, or direct alternative appropriate action.
- B. No person shall submit false reports of alleged breaches. Any employee or contractor who knows or should have known that their report was false is subject to discipline up to and including termination.



- C. No person who submits a report in good faith shall be subject to retaliation of any kind regardless of the ultimate resolution of the investigation.

***Legal References:***

***Cross References:***

MPS Policy 3000 (Conflicts of Interest and Fiduciary Duty)

MPS Policy 3003 (Nepotism)

MPS Policy 3003 A (Definitions: Nepotism)