



Board Agenda Item #	Agenda # III C
Date:	March 9, 2017
To:	Magnolia Board of Directors
From:	Caprice Young, Ed.D., CEO & Superintendent
Staff Lead:	Name, Chief External Officer
RE:	Approval of Anti-Nepotism Policy

Proposed Board Recommendation

I move that the board approve the Anti-Nepotism Policy for Magnolia Educational and Research Foundation (MERF).

Background

MERF Board approved Los Angeles County of Education (LACOE’s) Memorandum of Understanding (MOU) for the renewal of Magnolia Science Academy (MSA) 1, 2, and 3 in the February 9, 2017 board meeting. In order to address all the Anti-Nepotism requirements in the MOU, MERF has created an Anti-Nepotism policy that has been reviewed by legal.

The Anti-Nepotism policy states the regulations to be followed to prevent and avoid the possibility of favoritism based on family or personal relationships with respect to personnel. This policy shall not supplant the application of applicable conflicts of interest laws to MERF.

MERF’s anti-nepotism policy precludes individuals from evaluating the work performance of others with whom they have intimate familial or personal relationships, or from making hiring, salary, or similar financial decisions concerning such persons. The same principles apply to supervisor-employee relationships in the context of work or academic evaluation.

Budget Implications

N/A

How Does This Action Relate/Affect/Benefit All MSAs?

All Magnolia Science Academies along with the CMO will adopt this policy.

Name of Staff Originator:

Alfredo Rubalcava, Chief External Officer

Attachments

Anti-Nepotism Policy

Magnolia Educational & Research Foundation Anti-Nepotism Policy

Consistent with the principle that employees and prospective employees of the Magnolia Educational & Research Foundation (“MERF”), shall be hired, evaluated, and advanced the actual or perceived characteristics of race, religion, creed, color, gender, gender identity, gender expression, nationality, national origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, sex and pregnancy, physical or mental disability, childbirth or related medical conditions, military and veteran status, denial of family and medical care leave, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance or regulation, or other factors not involving professional qualifications and performance, the following restrictions, designed to avoid the possibility of favoritism based on family or personal relationship, shall be observed with respect to personnel:

1. No one with supervisory responsibility shall hire/promote or recommend for hire/promotion any related person.
2. All persons wishing to be considered for employment with MERF shall disclose family and personal relationships with then-current employees or students of MERF.
3. With respect to proposed employment decisions which would result in the concurrent service of related persons within the same department, a person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person.
4. With respect to the concurrent service of related persons within the same department, neither related person shall be permitted, either individually or as a member of the staff or as a member of a committee, to participate in the evaluation, advancement, or salary decisions of the other related person.
5. No member of the Board, MERF or Charter School administration, or staff member shall engage in recommendations, discussions, or otherwise participate in any decision or recommendation relating to the appointment, promotion, retention, tenure, or employment of a related person.
6. In the event of a lack of candidates, a need for specialized skills, or other unique circumstances as determined on a case-by-case basis, the restriction against hiring or promoting related persons may be waived in the best interest of MERF upon the approval of the Chief Executive Officer or the Board of Directors, subject to compliance with other applicable conflict of interest laws.
7. When other qualified candidates have not applied, assignments of short duration (generally less than sixty [60] working days), may be exempt from these guidelines, subject to compliance with other applicable conflict of interest laws.

8. This policy shall not supplant the application of applicable conflicts of interest laws to MERF.

Definition of “Related Persons”

The following relationships create related persons:

- Parent and child;
- Siblings;
- Grandparent and grandchild;
- Aunt and/or uncle and niece and/or nephew;
- First cousins;
- Spouses and registered domestic partners;
- Guardian and ward;
- Any corresponding in-law, step, or adoptive relative, or anyone residing in a permanent basis in the home of a current employee or student of MERF; and
- Persons engaged in amorous relationships, meaning a relationship in which two (2) persons voluntarily have a physical relationship or are engaged in a romantic courtship (e.g. dating or engaged) that may or may not have been consummated.

Policy Statement on Consensual Relationships

Consensual romantic or sexual relationships between supervisors and employees and between staff are potentially exploitative and must be avoided. They raise serious concerns about the validity of the consent, conflicts of interest, and unfair treatment of others. In addition, a supervisor will be prohibited from evaluating an employee’s job performance if he/she is romantically/sexually involved with that employee.

MERF’s anti-nepotism policy precludes individuals from evaluating the work performance of others with whom they have intimate familial or personal relationships, or from making hiring, salary, or similar financial decisions concerning such persons. The same principles apply to supervisor-employee relationships in the context of work or academic evaluation.