



AP 7310 **Nepotism**

References: Government Code Sections 1090 et seq., 12940 et seq. and 81000 et seq.
California Family Code Section 297 et seq.
California Code of Regulations, Title 2, Section 18704 (Fair Political Practices
Commission Regulation)

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Purpose

The employment of relatives, immediate family members, or domestic partners in the same facility, department, division, office, or line of supervisory authority may undermine the working relationships, fair and impartial supervision and evaluation, confidentiality, and public trust in District operations. This document provides a reasonable, nondiscriminatory procedure designed to prevent conflicts of interest and adverse impacts on supervision, safety, security, morale, and operational integrity.

Scope

This procedure applies to District employees (including temporary, hourly, and student employees), applicants for employment, and members of the board of trustees when acting in an official capacity. Nothing in this procedure limits rights or obligations under applicable collective bargaining agreements, board policies, or nondiscrimination/harassment complaint procedures. Complaints or concerns alleging discrimination, harassment, or retaliation related to nepotism will be processed under AP 3400 Nondiscrimination and Prohibition of Harassment and/or AP 3410 Nondiscrimination, as applicable.

Definitions

For purposes of this procedure:

- "Immediate family" has the meaning set forth in BP 7310 Nepotism and includes spouse, registered domestic partner, parents, grandparents, siblings, children, stepchildren, grandchildren, in-laws, or any other relative living in the employee's home.
- "Domestic partner" means a registered domestic partner as defined in California Family Code section 297 et seq.
- "Close personal relationship" (for committee disqualification and supervision safeguards only) includes any relationship where impartiality, confidentiality, supervision, or public trust could reasonably be affected.
- "Covered relationship" refers to an immediate family relationship, domestic partner relationship, or close personal relationship, as defined above.
- "Personnel decision" includes appointment, retention, evaluation, tenure, work assignment, promotion, demotion, discipline, and salary.

General Standards

The District does not prohibit employment of relatives or domestic partners. However:

- Relatives or domestic partners will not be placed in a regular assignment within the same department, division, site, or unit when one individual would supervise the other, share the same direct supervisor in a way that creates a conflict of interest, or otherwise be in a position to recommend or influence personnel decisions regarding the other.
- Employees and/or trustees will not use their position or authority to influence any personnel decision involving a person with whom they have a covered relationship.
- The District will make reasonable efforts to assign duties and reporting relationships to minimize adverse impacts on supervision, safety, security, morale, confidentiality, and public trust.

Disclosure Requirements

Applicants for employment must disclose covered relationships with current District employees and/or trustees on District employment applications. A manager or supervisor who is engaged in a covered relationship must disclose the relationship to the vice president for human resources or designee before undertaking any personnel decision related to the other party(ies) in that relationship. Employees may choose to notify their supervisor of new covered relationships; any supervisor who receives a report of a new covered relationship must promptly notify the vice president for human resources or designee to determine if any mitigation is required.

Board Disclosures and Recusals

When an immediate family member or domestic partner of a trustee is being considered for District employment, Board members must disclose any relative or immediate family member before considering them for any District employment (full-time, part-time, or hourly):

- The trustee must disclose the relationship before any action is taken.
- The trustee must refrain from participating in discussion, deliberation, or action on the matter and must not attempt to influence the recruitment or selection process.

Recruitment and Hiring Safeguards

Applicants for employment must disclose covered relationships as described in the disclosure requirements above. In addition:

- A District employee or trustee who has a covered relationship with an applicant (including a close personal relationship) will not serve on a committee, panel, or other group for the purpose of recruiting, screening, selecting, or evaluating that applicant.
- Hiring managers and hiring committee chairs will provide a conflict-of-interest reminder at the outset of each recruitment, and committee members must disclose any covered relationships immediately.
- Human resources will document the disclosure and any required recusals or mitigation steps in the recruitment file.

Screening and selection committee procedures and EEO monitoring requirements are addressed in AP 3420 Equal Employment Opportunity. Hiring managers and hiring committee chairs should coordinate with human resources regarding required disclosures, recusals, and documentation.

Individuals with a covered relationship to a current District employee may be hired, promoted, or transferred, subject to review of:

- Direct supervisory relationships or shared authority lines.

- Interdependent work in the same divisions, departments, or facilities.
- Foreseeable problems or conflicts with supervision, security, confidentiality, performance, or morale.

Employee Restrictions

Current District employees are prohibited from participating in, influencing, or attempting to influence:

- Selection, employment, promotion, transfer, evaluation, discipline, work assignment, or compensation decisions involving a person with whom they have a covered relationship.
- Decisions regarding student admission, financial aid, work study, student hourly employment, internships, or other opportunities for students who are their covered relatives or domestic partners.

Political Reform Act Safeguard

Consistent with the Political Reform Act (Gov. Code § 81000 et seq.) and FPPC Regulation 2 CCR § 18704, a trustee (or any other District official covered by the Political Reform Act) will disqualify themselves from making, participating in making, or using their position to influence a District decision that would appoint, hire, fire, promote, demote, suspend without pay, or impose disciplinary action with financial sanction against the official or the official's immediate family, or set the salary of the official or the official's immediate family different from salaries paid to other employees of the District in the same job classification or position.

Conflict Mitigation

If a covered relationship exists or arises during employment, the District may take prompt action to prevent influence and to mitigate conflicts. Options may include:

- Adjusting reporting lines to remove direct or first-line supervision or evaluative authority.
- Reassigning specific duties (e.g., timekeeping approvals, scheduling, access approvals, payroll/HR actions, purchasing, or other authority) that could create a conflict.
- Assigning an alternate evaluator/decision-maker for evaluation or discipline decisions.
- Reassignment or transfer of one employee when reasonably necessary to eliminate the conflict, consistent with operational needs and applicable agreements.
- In the event that no reasonable alternative manager or supervisor can be identified, the vice president for human resources or designee will provide sufficient oversight of the personnel decision to avoid any conflict of interest.

No personnel action will be based solely on an individual's status as a relative, immediate family member, or domestic partner, except for bona fide business reasons related to supervision, safety, security, morale, confidentiality, or direct reporting relationships.

Requests for Exceptions and Review

The District may allow exceptions to placement restrictions when human resources determines that the relationship does not and will not create an adverse impact on supervision, safety, security, morale, confidentiality, work performance, or public trust, and does not or will not create a conflict of interest.

Exception requests will be reviewed as follows:

- Applicants: After disclosure, human resources will notify the applicant and the hiring manager. The applicant may submit a written exception request within five business days describing the relationship, the anticipated reporting structure, and why no conflict

of interest or adverse impact is expected. Human resources and the hiring manager will jointly evaluate the request and forward a written summary and recommendation to the vice president for human resources (or designee) for review and further processing per the approval/denial authority below.

- Current employees: Human resources will consult with the area administrator and the relevant employees to determine appropriate mitigation or reassignment.
- Approval/denial authority: The vice president for human resources (or designee) will review the request, consult with relevant administrator(s), and prepare a written recommendation (including any proposed mitigation plan) for the superintendent/president. The superintendent/president will make the final decision to approve or deny exception requests, and human resources will document the final determination. If the request involves a trustee relationship or a direct report to the superintendent/president, the superintendent/president will consult with legal counsel, as appropriate.
- Notice of decision: Human resources will provide the employee/applicant written notice of the final determination and a brief summary of the basis for the decision, including any required mitigation steps and information about the administrative review/appeal process below.

Appeal Process

An applicant or employee may appeal a denial of an exception request or a determination that a proposed placement cannot be mitigated.

- Appeals (administrative review) must be submitted in writing to human resources within five business days of the written notice. Appeals are limited to: (1) a procedural error that may have materially affected the determination; (2) material new information not reasonably available at the time of review; or (3) a conflict of interest or bias that may have materially affected the determination.
- Human resources will acknowledge receipt of the appeal and provide the requester a status update at least every 20 business days while the appeal is pending, subject to confidentiality and privacy requirements. The vice president for human resources will review the appeal, consult with relevant administrator(s), and forward a written recommendation to the superintendent/president within ten business days, unless extended for good cause with notice to the requester.
- The superintendent/president will issue a written final decision on the appeal within ten business days of receiving the vice president's recommendation, unless extended for legitimate cause with notice to the requester. The superintendent/president's decision is final for purposes of this procedure.
- Nothing in this section limits any rights under collective bargaining agreement grievance procedures or nondiscrimination/harassment complaint procedures.

Complaints and Violations

Written complaints about possible violations of BP/AP 7310 Nepotism should be submitted to human resources. Human resources will acknowledge receipt within five business days, review allegations and, as appropriate, conduct an investigation or refer the matter for review by appropriate District administration and/or legal counsel, as applicable. While the matter is pending, human resources will provide the reporting party periodic status updates at least every 20 business days, and will notify the reporting party when the matter is closed, subject to confidentiality and privacy requirements. Violations may result in corrective action or discipline

up to and including termination, or disqualification from the hiring process, consistent with applicable agreements and due process. Allegations of discrimination, harassment, or retaliation will be addressed under AP 3400 Nondiscrimination and Prohibition of Harassment and/or AP 3410 Nondiscrimination, as applicable.