



**WINDHAM SCHOOL
DISTRICT**

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August 22, 2014

WINDHAM BOARD POLICY

SUBJECT: NEPOTISM

AUTHORITY: Tex. Gov't Code §§ 492.003, and 573.001-.084; Tex. Fam. Code § 2.401
Reference: TDCJ Personnel Directive (PD)-26, "Nepotism"

APPLICABILITY: Windham School District (WSD)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The WSD reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the superintendent's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the WSD and **do not** create any legally enforceable interest or limit the superintendent's authority to terminate a noncontract employee at will.

POLICY:

The WSD shall administer the provisions within this policy to ensure that the workplace is not disrupted by nepotism. The provisions of this policy shall be administered without regard to race, color, religion, sex (gender), national origin, age, disability, genetic information, or uniformed services status. The WSD has zero tolerance for all forms of employment discrimination. No employee or applicant for employment shall be subjected to harassment or retaliation for opposing or reporting employment discrimination.

DEFINITIONS:

"Affinity" is being related by marriage. A married couple is related to each other in the first degree by affinity. A married couple is also related by affinity to individuals related to their spouse by consanguinity, or blood, and the degree of relationship by affinity is the same as the degree of the underlying relationship by consanguinity. The ending of a marriage by divorce or death ends relationships created by that marriage unless a child of the marriage is living, in which case, for

the purpose of nepotism, the marriage is considered to continue as long as a child of that marriage lives.

“Chain of Supervision” includes an employee’s immediate or higher level supervisor and their supervisors up to the superintendent. If an employee is in a dual-supervision position, the employee’s chain of supervision includes the administrative and technical supervisors who meet this definition. For the purposes of this policy, an employee who supervises a position on an intermittent or a temporary basis due to an unplanned or unscheduled event, such as an employee acting as temporary principal or division director due to the supervisor’s illness or unavoidable absence, is not in the position’s chain of supervision.

“Consanguinity” is being related by blood. Two individuals are related to each other by consanguinity if one is a descendant of the other or they share a common ancestor. For the purpose of nepotism, an adopted child is considered to be a child of the adoptive parent(s). The degree of relationship by consanguinity may be determined by the following:

1. The number of generations between an individual and the individual’s ancestor;
2. The number of generations between an individual and the individual’s descendant;
or
3. The total of the number of generations between an individual and the nearest ancestor of both the individual and the relative in question, plus the number of generations between that common ancestor and the relative in question.

“Employee,” for the purpose of this policy, is a full-time, part-time, temporary WSD employee, and a contract employee.

“Marriage” includes “ceremonial marriage” and “informal marriage,” which are the two types of marriage recognized by the state of Texas, and are defined as follows:

“Ceremonial Marriage” is a marriage documented by:

1. A marriage license recorded with a county clerk; and
2. A marriage certificate issued by the county clerk.

“Informal Marriage,” previously referred to as common-law marriage, is a marriage that is not necessarily documented through a county clerk but is valid when a couple either signs and registers a declaration of their marriage or performs all of the following:

1. Agree to be married;
2. After the agreement, live together in the state of Texas as a married couple; and
3. Represent to others that they are married.

An employee who claims to be married via an informal marriage for health insurance or any other benefit entitlement shall be considered to be married via informal marriage for the purpose of a nepotism violation.

“Nepotism” is the employment of relatives within the second degree by affinity or within the third degree by consanguinity.

“Relatives,” for the purpose of this policy, are individuals who are related by affinity, or marriage, to the second degree, consanguinity, or blood, to the third degree as indicated on the Nepotism Chart (Attachment A).

DISCUSSION

This policy is designed to prevent disruptions in the workplace. Employment of supervisors who exercise supervisory control over relatives can result in complaints of favoritism, loss of objectivity, and abuse or undermining of authority and may interfere with the ability of employees to effectively perform their duties.

PROCEDURES:

I. Nepotism

A. General Provisions

1. Employees shall report any nepotism violation or potential nepotism violation as soon as they are aware of such a violation or potential violation.
2. An applicant for employment or an employee who is applying for promotion, requesting a lateral transfer, voluntary demotion, shift change, or reassignment shall not be considered for any position resulting in a nepotism violation.
3. The selection or assignment of an individual to a position shall be voided if it is determined that either a supervisor or the selected or assigned individual knowingly violated the provisions of this policy.
4. An employee shall not participate in the selection of a supervisor for the employee’s relative.
5. Adherence to the provisions within this policy shall be a stated or implied requirement for all contracts with the WSD. Contracting entities shall reassign a contract employee who is in violation of the provisions within this policy.

B. Nepotism Violations

1. Relatives of WSD Board of Trustees (Board) Members or the Superintendent

Except as provided by statute, the WSD may not employ a relative of a board member or a relative of the superintendent.

2. Relatives in the Chain of Supervision for a Position

Except as provided in Section III of this policy, an individual shall not be selected for or assigned to a position:

- a. If the individual's relative is in the chain of supervision for the position;
- b. If the selection would place the individual in the relative's chain of supervision for a position; or

II. Resolution of a Nepotism Violation

The following procedures apply when a nepotism violation or potential nepotism violation occurs.

A. Action by Related Employees

When it is discovered that the work assignments of employees who are related to each other or who have become related by marriage are in violation of this policy, the principal or department head shall notify the Human Resources Administrator. Within 90 calendar days from the date the notification is received, the related employees may resolve the matter by:

1. Requesting and receiving a lateral transfer, voluntary demotion, or reassignment;
2. Applying for and receiving a promotion; or
3. Taking other appropriate action to resolve the nepotism violation, such as voluntary resignation.

B. Action by Division Director

If the related employees do not resolve the nepotism violation within the 90-day period, the division director shall take action to resolve the violation. The needs of the WSD shall determine what action is to be taken to resolve the violation. This action may include administrative reassignment or realignment of job functions.

The division director shall submit the proposed remedial action to the Human

Resources Administrator. If the division director is one of the related employees, the superintendent shall complete the notification.

WSD will use administrative separation from employment only if no other solution is acceptable. When determining the administrative separation of one employee over the other, consideration will be based on the best interests of the district as determined by position and performance. The employee shall be notified in writing of the decision to administratively separate their employment.

III. Exceptions

- A. If there are no other qualified eligible applicants for a position, consideration may be given to a qualified applicant whose selection would result in a nepotism violation. However, prior to such employment consideration, the selection reviewer shall submit a decision memorandum requesting a nepotism exception through the chain of supervision for the position to the appropriate division director, to the Human Resources Administrator, and to the superintendent.
- B. The superintendent shall determine if the exception is in the best interest of the WSD.

Dale Wainwright, Chairman
Windham School District Board of Trustees

**Texas Department of Criminal Justice
Nepotism Chart**

Consanguinity Kinship Relationship by Blood			Affinity Kinship Relationship by Marriage	
First Degree	Second Degree	Third Degree	First Degree	Second Degree
Father Mother Son Daughter	Grandfather Grandmother Grandson Granddaughter Brother Sister	Great-Grandfather Great-Grandmother Great-Grandson Great-Granddaughter Uncle Aunt Nephew Niece	Spouse Father-in-law Mother-in-law Son-in-law Daughter-in-law Stepfather Stepmother Stepson Stepdaughter	Stepbrother Stepbrother's Spouse Brother's Spouse Stepsister Stepsister's Spouse Sister's Spouse Step-Grandfather Step-Grandmother Step-Grandson Step-Granddaughter Spouse's Sister Spouse's Stepsister Spouse's Brother Spouse's Stepbrother Spouse's Grandfather Spouse's Step-Grandfather Spouse's Grandmother Spouse's Step-Grandmother Spouse's Grandson Spouse's Step-Grandson Spouse's Granddaughter Spouse's Step-Granddaughter

Half-blood relationships fall within the same degree as those of full blood.

Step relationships by affinity (marriage) fall within the same degree as those by consanguinity (blood). For example, a stepson would be considered the same as a son.

An adopted child is considered to be the child of the adoptive parents.

In cases where a marriage has ended by divorce, an employee continues to be related by affinity to the former spouse and the former spouse's relatives indicated on this chart as long as a natural or adopted child of the former marriage is living. In cases where a marriage has ended by death of a spouse, an employee continues to be related by affinity to the deceased spouse's relatives indicated on this chart as long as a natural or adopted child of the former marriage is living. If the employee remarries, these rules continue to apply for all former marriages.

An employee who claims to be married via an informal marriage for health insurance or any other benefit entitlement will be considered to be married via informal marriage for the purpose of a nepotism violation.