

Nepotism: A Policy of Convenience?

By Robert Ruder



Nepotism is one of those words that makes us cringe. The hint of such behavior within an organization immediately raises suspicions of unethical behavior despite well-written, comprehensive policies and procedures. School districts are not immune to the damage that can be done to even the most highly regarded and well-respected organizations.

Yet despite well-written and comprehensive policies, the possibility of nepotism may envelop a district in an ominous cloud that challenges a district's hiring practices and organizational structure. Accompanying that cloud may be the threat of exhaustive investigations and a critical local media.

An exposé by Jennifer Gollan and Megan O'Matz that appeared in the March 6, 2010 *Sun-Sentinel* sent seismic waves through the Broward County School District in south Florida. Frequently criticized by the media for an endless string of questionable practices, the district saw its public trust erode even more by charges of nepotism. In a time of heightened fiscal accountability, the lack of community support and diminished trust further complicate and challenge the primary responsibility of school entities: to educate children.

The investigative report related the following details of the situation:

- A transportation manager had 15 relatives, 6 family friends, and her pastor working with her.

She did not supervise them directly; they were employed several layers beneath her within the organization.

- The manager of custodial services and grounds supervised his son.
- Two brothers were employed as managers in the maintenance department while two other brothers—one a manager, the other a supervisor—were employed in the same department. A wife of one brother was employed in the district's equal educational opportunities department.
- A database analysis revealed that of the 37,550 school district employees, 2,400 shared a home telephone number with another employee.

The newspaper's investigation into alleged nepotism brought to light the possibility of mismanagement within the school district that included sexual harassment and kickbacks in exchange for obtaining positions. While nepotism is not illegal, its perceived existence within the school district prompted district administrators to review existing policies to address the concerns of the district employees and the community.

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Further exacerbating the problem was the charge by a union official that the son of a supervisor completed the district's three-year apprenticeship program in two years. The official indicated that there have been two or three other similar scenarios out of 50 apprenticeships within the district in recent years.

The decision by an eight-member district committee that allowed the employee to circumvent the three-year apprenticeship requirement opened the door for a lawsuit initiated by a journeyman carpenter who claimed he was required to spend four years in the apprenticeship program when the district hired him almost 30 years earlier. A federal jury awarded the carpenter \$200,000 after hearing his claims of nepotism, racial discrimination, and violation of rights under the Americans with Disabilities Act. The school district is appealing the jury's ruling.

A Widespread Problem?

Gretchen McKay of the *Pittsburgh Post-Gazette* said it was difficult for her to identify a school district in Pennsylvania "where at least one teacher isn't related to a board member, administrator, or another employee."

Working around the suspicion of nepotism by eliminating district policy is a tactic that Pennsylvania school districts have employed, according to McKay in her 2003 article, "Nepotism Loosely Regulated by State, School Districts."

According to McKay, in 1998, the Ringgold School District eliminated its anti-nepotism policy, allowing the school board to renew the contract of the high school's baseball coach who was the son of a board member. The neighboring Bethel Park School District used an override clause in its nepotism policy to allow the district to hire a relative of a district employee. Other dis-

tricts within the region have allowed greater latitude in their nepotism policies to be able to draw well-qualified personnel into the communities that attract few applicants for vacant positions.

An article in the *Atlanta Journal-Constitution* announced that two Georgia school board members are hoping to overturn the state's newly adapted nepotism provision that prevents them from seeking reelection. Reporter Kristina Torres shared with the paper's readers in a January 2010 article that a suit has been filed in federal court. The provision bars someone from serving on a local school board if he or she has an immediate family member working in the same school district in a variety of administrative positions. One plaintiff's wife is an assistant principal and another's daughter is an assistant principal in their school systems.

The Grand Rapids, Michigan, school board pondered the need to generate a nepotism policy after a youth advocate in the school system who was also the son of a school board member was convicted of having sexual relationships with students. After discussing whether a nepotism policy was needed, the school board indicated that it had "no plans to create a policy against hiring relatives."

With or without official board policy, nepotism exists in various shades of gray in school districts.

Dave Murray of the *Grand Rapids Press* reported in the February 19, 2010 issue that the school board secretary felt that banning the relatives of school board members from employment would "tie the district's hands." The board secretary also said: "We looked at how many people we have on the payroll who are related to another employee, and realized that we have some really great employees. Telling someone we couldn't hire them just because of who they are related to would put a real crimp in our ability to get the very best people we can get."

In Gallup, New Mexico, members of the Gallup-McKinley County School District began wrestling with their nepotism policy in 2004. A February 28, 2004 article written by Zsombor Peter of the *Gallup Independent* spoke to the possibility of the school board's waiving its policy that restricted the family of school board members from competing for district contracts.

Prompting this discussion was the consideration of waiving the existing policy so the wife of a school board member could participate in a bidding process that provided diagnostic and special-education services to McKinley County students.

The school board tabled the decision as it considered expanding the waiver beyond this particular case to allow the families of board members to participate in bidding for future contracts without having to seek a waiver for each contract. Two board members who supported the waiver nonetheless expressed their concerns that “granting the waiver, even if it meets legal conditions, would carry the appearance of nepotism and potentially discourage others from applying (or bidding).”

The nepotism policy of the New Mexico School Boards Association (www.nmsba.org) reflects the thinking of the current board:

A person who is the spouse, father, father-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law of a member of the Board or Superintendent may not be initially employed or approved for employment in any capacity in the District. The local school board may waive the nepotism rule for family members of a local superintendent. Nothing in this section of the policy shall prohibit the continued employment of such a person employed on or before March 1, 2003.

No, school employee may be the immediate supervisor of one’s spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter-in-law, brother, brother-in-law, sister, sister-in-law.

With or without official board policy, nepotism exists in various shades of gray in school districts. Districts eager to develop comprehensive policies that encompass every possible scenario to avoid charges of nepotism may feel as if their mission is akin to herding cats. Other districts committed to easing or eliminating policies designed to address nepotism will find their goal just as difficult but a bit more precarious and potentially expensive as employees or candidates for positions seek legal recourse for not being promoted or not being hired.

There appears to be no one-size-fits-all answer for all school districts as they address this issue, which can be unifying or divisive. Regardless of a district’s thinking, a review of case law is a wise place for prudent district policy makers to begin the decision-making process. Keeping in mind the adage “If it walks like a duck, quacks like a duck, looks like a duck, it must be a duck” may keep the process well grounded and moving forward.

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