

## Nepotism

It is the intent of this policy to ensure that employment practices comply with Maine's "prohibited appointments and employment" statute, 20-A §MRSA 2002 and to avoid favoritism and the appearance of favoritism in employment practices.

### Definitions

For the purpose of this policy:

- A. "Immediate family" means spouse, sibling, parent, son, or daughter.
- B. "Administrative supervision" refers to the authority of a person in the position of principal or higher.
- C. A "stipend employee" means a person who receives limited monetary payment of benefit, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring, or coaching capacity for the Sanford School Department.

### Employment

It shall be the policy of the Sanford School Committee not to employ as school department staff any person who is a member of the immediate family of a Committee member or of the Superintendent. Immediate family of Committee members or the Superintendent who are employed by the school department on the date of adoption of this policy are not affected by this paragraph.

By Maine law (20-A M.R.S.A. § 1002(2)), a Committee member's spouse is precluded from employment under any circumstances in any public school within the jurisdiction of the Committee to which the member is elected.

### Supervision and Evaluation

No person shall be employed in or assigned to a position that is within the administrative supervision of a member of his/her immediate family, nor in a position in which he/she is supervised or evaluated, in whole or in part, by a member of his/her immediate family.

### Exceptions

In extraordinary circumstances, the Committee may approve an exception to the prohibitions on the employment of immediate family so long as the candidate is qualified for the position to which he/she has applied, the hiring is in the best interest of the school system and its students, and the candidate is not the spouse of a Committee member.

#### Exceptions for spouses of School Committee members in stipend positions only:

The School Committee authorizes the Superintendent to employ a spouse of the member of the School Committee as a stipend employee on a contractual basis when that action is in the best interest of the students and the needs of the Sanford School Department. Such a contract will summarize potential conflicts of interest and describe mitigations of such conflicts.

Such contract will be for one season or one year only, with no guarantee or expectation of continuation.

It is the School Committee's intent that hiring practices for stipend positions discourage favoritism and political patronage and provide qualified applicants a fair opportunity to be selected on merit, with priority consideration given to the best interest without restricts based solely on family association. To that end, the Superintendent/designee will be responsible for developing job descriptions for stipend positions, including relevant qualifications and duties/ responsibilities.

This exception applies only through June 30, 2024, unless extended by the Maine legislature.

## **Volunteers**

Under Maine law (20-A M.R.S.A. § 1002(2-A)), a Committee member's spouse may not serve as a volunteer when that volunteer has primary responsibility for a curricular, co-curricular, or extracurricular program or activity and reports directly to the superintendent, principal, athletic director, or other school administrator within the jurisdiction of the Committee.

### **Exceptions for spouses of School Committee members in volunteer positions only:**

Notwithstanding the preceding paragraph, the Board may permit a Board's member's spouse to serve as a volunteer in the same capacities as other school volunteers. In approving spouses of School Committee members as volunteers, the Superintendent/designee will ensure that practices applicable to approval of school volunteers discourage favoritism and political patronage and provide qualified applicants a fair opportunity to be selected on merit, with priority consideration given to the best interest without restricts based solely on family association. School Committee member spouses who volunteer in schools will be subject to the provision of the board's policy IJOC, School Volunteers.

This exception applies only through June 30, 2024, unless extended by the Maine legislature.

Legal Reference: 20-A M.R.S.A. § 1002

Cross Reference: BCB – Board Member Conflict of Interest  
GAB – Job Descriptions  
GDA – Support Staff Positions

Adopted: April 7, 2014

Revised: March 2023

## **Policy Executive Summary**

### **First Reading**

**March 6, 2023**

The following existing policy will be presented for a First Reading.

#### **Policy BCC Nepotism**

Policy BCC is a required policy that was last updated in 2013. It is the intent of this policy to ensure that employment practices comply with Maine's "prohibited appointments and employment" statute, 20-A §MRSA 2002 and to avoid favoritism and the appearance of favoritism in employment practices.

#### **Proposed additions to Policy BCC Nepotism:**

The following exceptions for spouses of school committee members for stipend employment and as volunteers are now allowable as the result of LD 1323, enacted as P.L. 242 and signed by the Governor Jun 16, 2021. These exceptions have been added to the policy for your consideration and are not required.

#### **Exceptions for spouses of School Committee members in stipend positions only**

The School Committee authorizes the Superintendent to employ a spouse of the member of the School Committee as a stipend employee on a contractual basis when that action is in the best interest of the students and the needs of the Sanford School Department. Such a contract will summarize potential conflicts of interest and describe mitigations of such conflicts.

Such contract will be for one season or one year only, with no guarantee or expectation of continuation.

It is the School Committee's intent that hiring practices for stipend positions discourage favoritism and political patronage and provide qualified applicants a fair opportunity to be selected on merit, with priority consideration given to the best interest without restricts based solely on family association. To that end, the Superintendent/designee will be responsible for developing job descriptions for stipend positions, including relevant qualifications and duties/ responsibilities.

#### **Exceptions for spouses of School Committee members in volunteer positions only**

Notwithstanding the preceding paragraph, the Board may permit a Board's member's spouse to serve as a volunteer in the same capacities as other school volunteers. In approving spouses of School Committee members as volunteers, the Superintendent/designee will ensure that practices applicable to approval of school volunteers discourage favoritism and political patronage and provide qualified applicants a fair opportunity to be selected on merit, with priority consideration given to the best

interest without restricts based solely on family association. School Committee member spouses who volunteer in schools will be subject to the provision of the board’s policy IJOC, School Volunteers.

This exception applies only through June 30, 2024, unless extended by the Maine legislature.

**Other additions to Policy BCC Nepotism:**

**Definitions**

A “stipend employee” means a person who receives limited monetary payment of benefit, through a series of payments or in a lump sum, for personal services performed in an advisory, mentoring, or coaching capacity for the Sanford School Department.

**Introductory Paragraph**

It is the intent of this policy to ensure that employment practices comply with Maine’s “prohibited appointments and employment” statute, 20-A §MRSA 2002 and to avoid favoritism and the appearance of favoritism in employment practices.

**Cross References**

Cross Reference:       BCB – Board Member Conflict of Interest  
                                  GAB – Job Descriptions  
                                  GDA – Support Staff Positions

**Recommendation**

Policy BCC Nepotism: To accept the first reading of updated Policy BCC