

**FAME Public Charter School  
Board Policy**

**ANTI-NEPOTISM AND CONFLICTS POLICY**

**Board Policy: #2010-34  
Initial Adoption: 5.21.2010  
Revision:**

Families of Alameda for Multi-Cultural/Multi-Lingual Education Public Charter School (“FAME”), a California public charter school operated by Bay Area School for Independent Study, Inc. (“BASIS”), hereby adopts this Anti-Nepotism Policy.

**Basic Principles**

Consistent with the principle that School employees and prospective employees shall be hired, evaluated, and advanced on the basis of individual merit, without reference to considerations of race, sex, religion or national origin, or any other factors not involving personal professional qualifications and performance, the following restrictions, designed to avoid the possibility of favoritism based on family or personal relationships, shall be observed with respect to personnel:

1. No one with supervisory responsibility shall hire or recommend for hire any related person.
2. Related persons currently employed by the School shall immediately disclose all family and personal relationships with other School employees to CEO or designee. The CEO will report all disclosures to the Board of Directors. All persons wishing to be considered for employment with the School shall disclose family and personal relationships with then-current School employees or students.
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 faculty or as a member of a committee, to participate in the evaluation or advancement or salary decision of the other related person.
5. No Board member, member of the School administration or faculty shall engage in recommendations, discussions, or otherwise participate in any final decision or recommendation relating to the appointment, promotion, retention, tenure, or other condition of 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 related persons may be waived in the best interest of FAME upon recommendation of a review committee comprised of the CEO and/or appropriate administrator(s), and upon the approval of the Board of Directors.
7. When other qualified candidates have not applied, task assignments of short duration (generally less than sixty (60) working days), may be exempt from these guidelines.
8. This policy shall not supplant the application of conflicts of interest laws to FAME, or the provisions of Board Policy #2005-14, the terms of which are consistent with the Political Reform Act.

### **Definition of "Related Persons"**

The following relationships create related persons:

1. Parent and child
2. Siblings
3. Grandparent and grandchild
4. Aunt and/or uncle and niece and/or nephew
5. First cousins
6. Spouses and registered domestic partners
7. Guardian and ward
8. Any corresponding in-law, step, or adoptive relative, or anyone residing in a permanent basis in the home of a current School employee or student.
9. Persons engaged in amorous relationships; an amorous relationship exists when, without marriage, two persons voluntarily have a sexual union or are engaged in a romantic courtship (e.g., dating or engaged to be married) that may or may not have been consummated sexually.

### **Policy Statement on Consensual Relationships**

Consensual romantic or sexual relationships between supervisors and employees and between faculty or staff and students are potentially exploitative and must be avoided. They raise serious concerns about the validity of the consent, conflict of interest, and unfair treatment of others.

The School'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.

In addition, a supervisor will be prohibited from evaluating an employee's job performance if he or she is romantically, or sexually involved with that employee.

Violations of this Consensual Relationship Policy, if proved, will result in the imposition of corrective actions and/or disciplinary sanctions, up to and including dismissal from the School's employ.

### **Annual Reporting and Training**

The Director shall report annually to the Governing Board, at the regular meeting falling closest to the date of the start of the school year, concerning all specific cases during the preceding year in which the terms of this policy were applied.

The Governing Board shall provide the Alameda County Office of Education (“ACOE”) with verification that all BASIS board members and applicable employees have participated in conflict of interest training.

### **Effective Date**

The provisions of this policy shall be applicable prospectively only, with reference to appointments made after the adoption date of the policy.

**FAME Public Charter School  
Board Policy**

**CONFLICT OF INTEREST POLICY (CODE)**

**Board Policy: #2005-14  
Initial Adoption: 2/2006  
Revision: December 17, 2008**

**I. ADOPTION**

In compliance with the Political Reform Act of 1974, California Government Code Section 87100, et seq., the Families of Alameda for Multi-Cultural/Multi-Lingual Education Public Charter School (“Charter School”), a California public charter school operated by Bay Area School for Independent Study, Inc. (“BASIS”), a California not-for-profit public benefit corporation, hereby adopts this Conflict of Interest Code (“Code”), which shall apply to all governing board members, candidates for member of the governing board, and all other designated employees of the Charter School, as specifically required by California Government Code Section 87300.

**II. DEFINITION OF TERMS**

As applicable to a California public charter school, the definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission, specifically California Code of Regulations Section 18730, and any amendments or modifications to the Act and regulations are incorporated by reference to this Code.

**III. DESIGNATED EMPLOYEES**

Employees of this Charter School, including governing board members and candidates for election and/or appointment to the governing board, who hold positions that involve the making or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, shall be “designated employees.” The designated positions are listed in “Exhibit A” attached to this policy and incorporated by reference herein.

**IV. STATEMENT OF ECONOMIC INTERESTS: FILING**

Each designated employee, including governing board members and candidates for election and/or appointment to the governing board, shall file a Statement of Economic Interest (“Statement”) at the time and manner prescribed below, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the employee’s position is assigned in “Exhibit A.”

An investment, interest in real property or income shall be reportable, if the business entity in which the investment is held, the interest in real property, the business position, or source of

income may foreseeably be affected materially by a decision made or participated in by the designated employee by virtue of his or her position. The specific disclosure responsibilities assigned to each position are set forth in “Exhibit B.”

Statements Filed With the Charter School. All Statements shall be supplied by the Charter School. All Statements shall be filed with the Charter School. The Charter School’s filing officer shall make and retain a copy of the Statement and forward the original to the County Board of Supervisors.

## **V. DISQUALIFICATION**

No designated employee shall make, participate in making, or try to use his/her official position to influence any Charter School decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family.

## **VI. MANNER OF DISQUALIFICATION**

### **A. Non-Governing Board Member Designated Employees**

When a non-Governing Board member designated employee determines that he/she should not make a decision because of a disqualifying interest, he/she should submit a written disclosure of the disqualifying interest to his/her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Charter School Principal, who shall record the employee’s disqualification. In the case of a designated employee who is head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority.

### **B. Governing Board Member Designated Employees**

Governing Board members shall disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made part of the Board’s official record. The Board member shall refrain from participating in the decision in any way (i.e., the Board member with the disqualifying interest shall refrain from voting on the matter and shall leave the room during Board discussion and when the final vote is taken) and comply with any applicable provisions of the Charter School bylaws.

## EXHIBIT A

### Designated Positions

- I. Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in “Exhibit B” (i.e., categories 1, 2, and 3).
  - A. Members of the Governing Board and their alternates (if applicable)
  - B. Candidates for Member of the Governing Board
  - C. Corporate Officers (e.g., CEO/President, CFO/Treasurer, Secretary, etc.)
  - D. Executive Director of Charter School
  - E. Program Administrators or Associate or Assistant Directors
  
- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of “Exhibit B.”
  - A. Purchasing Manager or Clerk
  - B. Accounts Payable Manager or Clerk
  
- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of “Exhibit B.”
  - A. Information Systems Technician
  - B. Construction Contractors or General Contractors hired to improve or construct facilities

## **EXHIBIT B**

### **Disclosure Categories**

#### **Category 1 Reporting:**

- A. Interest in real property which is located in whole or in part either (1) within the boundaries of the District, or (2) within two miles of the boundaries of the District, including any leasehold, beneficial or ownership interests or option to acquire such interest in real property.

(Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a 10% interest or greater.)

- B. Investments in or income from persons or business entities which are contractors or sub-contractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the District.

- C. Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the jurisdiction.

(Investment includes any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership interest or other ownership interests.)

(Investments of any individual include a pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.)

(Investment does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency.)

#### **Category 2 Reporting:**

- A. Investments in or income from business entities which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or Charter School Principal. Investments include interests described in Category 1.

#### **Category 3 Reporting:**

- A. Investments in or income from business entities which are contractors or sub-contractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Charter School Principal. Investments include the interests described in Category 1.