

ALMA D'ARTE CHARTER HIGH SCHOOL
GOVERNANCE COUNCIL POLICY

Policy No. GC0006
Adopted: 12/8/14
Amended:

SUBJECT: NEPOTISM

PURPOSE: To establish a policy to ensure that hiring and supervision at Alma d'arte is conducted in a manner which enhances public confidence in government and prevents situations which give the appearance of partiality, preferential treatment, improper influence, or a conflict of interest.

DEFINITIONS:

For purposes of this policy, the following definitions apply:

- (A) "Public official or employee" means any person who is elected or appointed to the Governance Council or is an employee of Alma d'arte under the jurisdiction and control of the Chief Administrative Officer/Principal (CAO/Principal) or his/her designee. An Alma d'arte's employee includes part-time workers, paid student help, temporary, intermittent, and seasonal employees.
- (B) "Closely related by blood or marriage" is defined as a spouse, children (whether dependent or independent), parents, grandparents, siblings by whole or half blood or adoption, sister-in-law, brother-in-law, son-in-law, daughter-in-law and other persons related by blood or marriage who reside in the same household.
- (C) "Significant relationship" means people living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.
- (D) "Supervision" means the ability or power to effectively recommend the hire, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, discipline or settlement of disciplinary grievances/appeals of other school employees, including the authority of a board or committee to order personnel actions affecting the job.
- (E) "Short term employees" are workers who have an explicit or implicit contract of employment which is not expected to continue for more than a short period.

POSITION: All Governance Council members and school employees are prohibited from authorizing or using the authority or influence of his/her position to secure the authorization of employment or benefit (including a promotion or preferential treatment) for a person closely related by blood, marriage, or other significant relationship. This includes, but is not limited to, the following circumstances:

- (A) Hiring
Neither the CAO/Principal, nor any member of the Governance Council shall authorize or use the authority or influence of his/her position to secure authorization

of the employment of a person closely related by blood, marriage, or other significant relationship to serve in a compensated position in Alma d'arte Charter High School.

(B) Promotion

An Alma d'arte employee identified as "Closely related by blood or marriage" to the CAO/Principal or to any member of the Governance Council may be promoted in rank provided that (1) they are currently employed by Alma d'arte and not on a "short-term" contract.

(C) Supervision

The CAO/Principal shall not supervise any person closely related by blood, marriage, or other significant relationship.

(D) Enforcement

1. Upon change in family or employment status implicating employee must report, in writing, any actual or potential conflict to the Governance Council.
2. All Alma d'arte Governance Council members or employees are responsible for adhering to the Nepotism Policy. Any violations of the criminal or ethical laws regarding nepotism are subject to the criminal penalties provided for by the State of New Mexico.
3. Employees violating the Nepotism Policy are subject to disciplinary action, up to and including termination.
4. Employee hiring that result from nepotism will be considered null and void and those persons illegally hired may be dismissed immediately.
5. The Governance Council may waive this Policy and the nepotism rule set forth in New Mexico Statutes Annotated § 22-5-6 (2003), as amended or recodified in the future, for family members of the CAO/Principal.
6. Nothing in this Policy shall prohibit the continued employment of a person employed on or before March 1, 2003, or of a person whose initial employment with Alma d'arte, regardless of position or status, did not violate this Policy.
7. Should any provision of this Policy be inconsistent with any of the provisions of New Mexico Statutes Annotated § 22-5-6 (2003), as amended or recodified in the future, the provisions of the state statute shall control and are incorporated into this Policy as an operation of law.

Legal Reference: N.M. Stat. Ann. § 22-5-6 (2003)

END