

Coast Community College District
ADMINISTRATIVE PROCEDURE

Chapter 7
Human Resources

AP 7310 Anti-Nepotism

References:

Government Code Sections 1090 et seq. and 12940 et seq.

California Family Code Section 297

Board Policy and Administrative Procedure 3410 Prohibition of Discrimination and Harassment

Section 1: Non-Discrimination and Purpose

The District does not discriminate unlawfully in providing employment opportunities to any person on the basis of race, ethnicity, gender, gender identity, gender expression, religion, age, national origin, sexual orientation, marital status, medical condition, pregnancy (including childbirth, breastfeeding, or related medical conditions), physical or mental disability, military or veteran status, or genetic information, because they are perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. The District recognizes the potential for conflict of interest, claims of disparate treatment, and/or discrimination in the employment of relatives and relationships, as defined below in Section 2, when one relative is the direct supervisor or they share the same direct supervisor. This direct supervisory prohibition will be waived for applicants or current employees if an appeal process followed per Section 4 below indicates that there is no conflict of interest (e.g., the direct supervisor for faculty in different departments in the same division is a dean).

It is recognized that current employees' assignments may exist in conflict with this Procedure and that conflicts could materialize after initial employment. Where such may occur, the Chancellor or designee will be responsible for determining the appropriateness of the assignment. The District will make reasonable efforts to assign job duties to minimize an adverse impact on supervision, safety, security, morale, or other potential conflicts of interest. The District retains the right to reassign or transfer employees where such assignments have or will create an adverse impact on supervision, safety, security, morale, or other potential conflicts of interest.

No employee or Trustee shall use their position or authority to influence the hiring, compensation, tenure, retention, transfer, promotion, performance evaluation, discipline, supervision, or work assignment of a District employee or independent contractor based on relationships defined in Section 2 below.

Section 2: Relationships

Relationships covered by this Procedure are the following:

- spouses
- registered domestic partners (as defined in Section 297 of the California Family Code)
- parents and grandparents
- siblings
- children and grandchildren

- step-children
- parents and siblings in-law
- any relative living in the immediate household of a current employee

This Procedure prohibits such employees to be placed to an assignment within a department or other organizations at a College or the District Office where the employee and the applicant for employment would share the same direct supervisor; supervise one another; or otherwise be placed in a position with the authority to recommend or influence personnel decisions.

Section 3: Reporting

If any relationship covered by this Procedure develops subsequent to being hired, the employees are required to notify in writing the Vice Chancellor of Human Resources in a timely manner of the change in their relationship as defined by this Procedure. At the recommendation of the Vice Chancellor of Human Resources, based on consultation with the Hiring Manager, the Board may allow exceptions to this Procedure only if the relationship is not and will not create an adverse impact on work productivity or performance of themselves or others in the workplace, supervision, safety, security, or morale; and the relationship does not and will not create a conflict of interest.

Employment and transfer applicants may participate in the recruitment process and have the ability to be considered for an interview regardless of an existing relationship as defined in this Procedure. The Vice Chancellor of Human Resources shall not remove an applicant from the recruitment process prior to the completion of the appeal process, if applicable, and to determining, based on consultation with the Hiring Manager, that a conflict of interest or a violation of this Procedure exists.

Section 4. Appeal Process

Each applicant is required to disclose on their application for employment if they have relatives, as defined above, working in the District. If such a disclosure was made on the application for employment, after the application is submitted and reviewed by HR personnel, the HR personnel will contact the applicant and ask them to submit an appeal. The HR personnel will also inform the Hiring Manager about the disclosure and the applicant who made the disclosure.

Within four business days, the applicant will need to email to the HR staff who contacted them a written explanation as to how the existing relationship would not create an adverse impact on work productivity or performance of themselves or others in the workplace, and, how the relationship would not create a conflict of interest through the recruitment process. The Vice Chancellor of Human Resources and the Hiring Manager will review the appeal and will consult in making a determination. The HR staff will inform the applicant of the decision within four business day after receiving the written explanation from the applicant, which ensures the continuation of the application process.

Section 5. Complaints

Complaints about possible violations of BP/AP 7310 should be submitted to the Vice Chancellor of Human Resources. Violations of BP/AP 7310 may result in discipline up to and including termination of employment or disqualification in the hiring process and in accordance with the respective collective bargaining agreements, as applicable. Complainant will be provided status updates every 30 days until the conclusion of the review process.

Ratified February 5, 2020