

Draft 06/11/09  
 Nepotism Policy  
 S.D. 99

**GUIDELINES FOR APPLICATION OF NEPOTISM POLICY**

*[ modify title and/or format to incorporate into the Nepotism Policy or as a Board of Education Regulation to be formally approved by the Board ]*

1. The primary responsibility for determining application of the Board of Education's Nepotism Policy (No. 2.100) rests with the Board member who has a relationship within the scope of the policy, with emphasis on avoiding even the appearance of favoritism.

Where there is a reasonable question about whether the policy is applicable, the Board member should discuss the question with the Board President. Where another Board member has a question about the application of the policy, that Board member should also raise the question with the Board President.

The Board President will review the question with the Board member raising the question and the affected Board member and communicate to all Board members the President's recommended determination as to whether the policy applies or does not apply. Any Board member who questions the recommended determination may request of the President that the recommended determination be discussed by the Board at a properly-called meeting no later than the meeting at which the item is to be discussed. The question will be discussed at a meeting and decided by vote of the Board members present. The discussion may take place in closed session to the extent permitted by the Open Meetings Act, but action will take place only in open session.

2. In applying the policy, the item in question must have a reasonably direct, identifiable monetary benefit to the relative. Alternatively or additionally, the item must meaningfully improve, or diminish, conditions reasonably unique to the conditions under which the relative works. For example, an adjustment in class size for the department to which the relative is assigned would be a term and condition of employment, but this would fall within the scope of the policy only if the adjustment was unique to the employee or a relatively small segment of the department that included the employee. Also, for example, a construction project to improve the office to which the employee is assigned would likely be within the scope of the policy, but probably would not be if the project was to improve the general office area for the department to which the employee is assigned.
3. If the policy is determined to be applicable, either by an affected Board member or the Board, the affected Board member will: (a) describe the relationship and the circumstances that result in application of the policy; (b) not participate in discussion of, and not vote on, the item to which the policy is applicable. If the item is to be discussed in closed session, the Board member will be excluded from that portion of the closed session during which the item is discussed. ~~*[Alternative - If the item is to be discussed in closed session, the Board member may attend the closed session but will not participate in the discussion of the item.]*~~ If the affected Board member does not describe the relationship and the circumstances that result in application of the policy, the Board President will do so.