

Beverly Hills USD | BP 4362 Personnel

Employee Relationships/Non-Fraternization Policy

Purpose

The Board of Education desires to avoid misunderstandings, complaints of favoritism, claims of sexual harassment, and employee morale or dissension problems that can result from certain relationships between employees. Romantic and/or sexual relationships between school personnel and administrators or between supervisors and subordinate employees have the potential for adverse consequences. The District seeks to avoid any situation where a conflict of interest and/or the appearance of a conflict of interest may arise. In order to effectively adhere to the District's mission and avoid such problems, administrators, managers and supervisors are strongly discouraged from fraternizing or becoming romantically involved with one another, or with any subordinate employee within their chain-of-command or with any non-management employee. Additionally, non-management employees are strongly discouraged from fraternizing or becoming romantically involved with other employees in the District.

It is the purpose of this policy that, whenever possible, no employee of the District shall be retained in any position where the employee has direct or indirect supervisory responsibility for, or is supervised directly or indirectly, by, a person with whom he/she is currently involved in a romantic relationship.

Policy

Personal, romantic or intimate relationships between employees may be prohibited when, as reasonably determined by the District, the relationship creates a conflict of interest, causes disruption, creates a negative or unprofessional work environment, or presents concerns regarding employee supervision, safety, security, or morale.

Each administrator or management employee is to notify their immediate supervisor within 30 days of becoming involved in any personal, romantic or intimate relationship with another employee that could potentially come within the scope of this policy.

No person shall be hired or assigned to any position in the District in which the person would be the immediate supervisor of a person with whom he/she is currently involved in a romantic relationship, or in which the person's immediate supervisor would be a person with whom he/she is currently involved in a romantic relationship.

No person shall be hired for or assigned to any position of employment within the District in which the person would be a second-level supervisor of the person with whom he/she is currently involved in a romantic relationship, or in which the person would be supervised at the second level by a person with whom he/she is currently involved in a romantic relationship.

In the event that subsequent to initial employment or assignment, an employee and that employee's immediate supervisor or second level supervisor become involved in a romantic relationship with respect to each other, the Superintendent shall be authorized to make every effort consistent with law to reassign one or both parties involved. If the Superintendent determines that such reassignment is not feasible, the Superintendent is authorized to restructure or reassign the supervisor's responsibilities for supervisory functions and personnel actions regarding the subordinate employee in a manner that is consistent with the goals of this policy.

In the event that there are two persons working for the District who are involved in a romantic relationship and one of them seeks and is determined to be the successful candidate for promotion to a position that would create assignments in violation of this policy, the Superintendent shall be authorized to make every effort consistent with law to reassign the supervisor's responsibilities for supervisory functions and personnel actions regarding the employee in a manner that is consistent with the goals of this policy.

All employees are reminded that the District maintains a strict policy against unlawful harassment of any kind, including sexual harassment.

Legal Reference:

EDUCATION CODE

220 Prohibition of Discrimination

35035 Additional Powers and Duties of Superintendent

35010 Controls of District; Prescription and Enforcement of Rules

35020 Duties of Employees Fixed By Board of Education

GOVERNMENT CODE

12940 Unlawful employment practices

LABOR CODE

96 Assignment of claims

COURT DECISIONS

Barbee v. Household Auto. Fin. Corp. (2003) 113 Cal.App.4th 525

Policy BEVERLY HILLS UNIFIED SCHOOL DISTRICT

adopted: September 13, 2016 Beverly Hills, California