

Power-differentiated Relationships in the Workplace

Employees of Fargo Public Schools (FPS) shall not be in a power-differentiated relationship as defined in the descriptions below. A power-differentiated relationship is any supervisor/subordinate work relationship or other work relationship in which one employee supervises or manages (directly or indirectly) another employee or makes decisions concerning another employee's terms, conditions, or privileges of employment.

FPS does not intend this policy to discourage relationships between employees or employment of family members. This policy applies solely to employees who are involved in a power-differentiated work relationship and who are engaged in an intimate relationship or are family members.

As used in this section, family member includes the employee's spouse, parent (by birth or adoption), child (by birth or adoption), stepchild, sibling (to include half siblings and adopted siblings), brother or sister-in-law, son or daughter-in-law, mother or father-in-law, and grandparent (by birth or adoption).

Covered Employees

This policy applies to all FPS employees.

Employment of Relatives

An employee or board member of Fargo Public Schools may not serve in a supervisory capacity over, or enter a personal service contract with, that employee or member's parent (by birth or adoption), spouse, son or daughter (by birth or adoption), stepchild, brother or sister (including half siblings and adopted siblings), brother-in-law or sister-in-law, or son-in-law or daughter-in-law. As used in this policy, "supervisory capacity" means the authority to appoint, employ, hire, assign, transfer, promote, evaluate, reward, discipline, demote, or terminate. As used in this section, "evaluate" does not include evaluations by peers or subordinates. This section does not apply to any temporary work arrangement necessary to meet a critical and urgent need.

Application and Enforcement

To enforce this policy, FPS believes that communication and dialogue between management and other employees, in order to protect the interests of both, are extremely important. Therefore, FPS will apply an "open-door policy" to effectuate the expressed purposes of this policy and to allow employees involved in a supervisor/subordinate or other power-differentiated relationship to discuss their situation with the appropriate administrative staff. As part of the open-door policy, when an intimate or dating relationship develops between a supervisor and subordinate, the employees involved in the relationship are required to report it immediately to the Human Resources Department or other administrative staff. The employee in the position of higher authority is obligated to report the relationship.

Once FPS learns that an intimate/dating relationship or family member relationship exists between a supervisor and subordinate or between other power-differentiated employees, FPS will

attempt to modify the work relationship by transferring at least one of the employees within the organization to remove the direct supervisor/ subordinate relationship or by considering other available options. In making this decision, FPS will work with both employees and obtain their input on which employee would best be suited to a transfer or any other available option. This decision, however, remains solely in FPS's discretion. FPS may also reassign supervisory authority to another individual to alleviate these concerns. Additionally, supervisors who have had a dating relationship with any subordinate will not be permitted to have any continuing influence over the subordinate employee's promotions, raises, or other terms of employment.

Violations of Policy

If FPS determines that an employee has encouraged, participated in, or permitted a violation of this policy, the employee may be subject to appropriate disciplinary action. If, however, any violation of this policy has caused or led to favoritism, unfair bias, harassment, or preferential treatment or has in any way adversely affected company operations or productivity, then more serious disciplinary action may be taken, up to and including termination from employment. This policy is not a contract of employment and does not purport to change, alter, or modify each employee's at-will or contractual employment relationship with FPS. The above-mentioned policy is a condition of each employee's employment.

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