

Shelton Teacher Challenges District's Nepotism Policy

BY MICHELLE TUCCITTO SULLO

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A Shelton teacher is suing her school district, claiming it unfairly transferred her to another school after she married a fellow teacher.

Katelyn Botsford Tucker of Oxford sued the Shelton Public Schools on Dec. 3, in a case which challenges the fairness of the district's nepotism policy.

Her lawsuit asserts she was discriminated against based on her sex and marital status, in violation of Connecticut's Fair Employment Practices Act.

The lawsuit, which is pending in Superior Court in Milford, claims the school district's nepotism policy discriminates against staff members based on marital status, "by subjecting staff members in the same school to transfer if they get married."

Attorney Gary Phelan of Mitchell & Sheahan in Stratford, who represents Botsford Tucker, said the Shelton policy only impacts employees who marry each other. It doesn't require any transfer to another school if two staff members are involved in any other romantic relationships, such as if they are dating, engaged or living together, according to the lawsuit.

"(In Shelton), you could have two teachers, one the head of a department and one a teacher, and they could be living together, but they would only transfer one of them if they got married," Phelan said. "The district's policy allows any type of relationship except marriage."

According to Phelan, many school districts in Connecticut have some type of nepotism policy.

"Ordinarily, employers focus on a reporting relationship, because of concerns of a bias, such as if the head of a math department is involved with an employee they supervise and is doing their evaluations," Phelan said.

Phelan called this case unique because the lawsuit is challenging a policy which "allows every type of romantic relationship other than marriage."

"The marital status discrimination statute is not used very often in Connecticut," Phelan said.

Shelton Superintendent of Schools Freeman Burr could not be reached for comment on Dec. 7.

Attorney Christine Chinni of Chinni & Meuser in Avon, who is representing the school district, declined to comment, citing pending litigation.

Patrice McCarthy, deputy director and general counsel with the Connecticut Association of Boards of Education, or CABE, said the vast majority of Connecticut school districts have some sort of nepotism policy, but the specific scope of coverage varies among the districts.

"It is common to prohibit a married couple to have any supervisory authority over each other, but prohibiting a married couple from working in the same building is less common," McCarthy said.

The plaintiff and her husband were both teachers at Shelton High, but taught different subjects, and neither supervised the other. Botsford Tucker taught history and social studies at Shelton High School for about seven years, but school officials transferred her to Shelton Intermediate School in June 2014 following her marriage.

In July 2012, she had gotten engaged to Hugh Tucker, a math teacher at Shelton High.

That month, the Shelton Board of Education adopted and approved a policy entitled, "Nepotism: Employment of Relatives."

The district's policy prohibits anyone related by blood, marriage or law from being appointed to a position in the same school or department, according to the lawsuit. In the event of a marriage or civil union between employees of the school district, creating a relationship which violates this policy, one of the persons may be transferred by the end of the school or fiscal year at the discretion of the superintendent of schools.

"The (school district's) nepotism policy does not prohibit staff in the same school or department from dating, living together, and/or becoming engaged to be married. As a result, the only romantic relationships which the (policy) prohibits is one between staff members who get married or establish a civil union," the lawsuit states.

"Under the defendant's nepotism policy, if the head of a department and a teacher in that department got engaged to be married, the head of the department would still be permitted to supervise and conduct performance reviews of his or her fiancée," the lawsuit states. "However, where, as here, two teachers in separate departments get married, the two teachers would be in violation of the Nepotism Policy, and, as a result, one of them could be transferred out of the school."

The couple lived together and taught at the high school throughout their engagement, and they got married on Oct. 12, 2013, the lawsuit states.

In May 2014, Botsford Tucker was summoned to a meeting with Burr. While the plaintiff's husband volunteered to be transferred to another school instead, Burr informed the plaintiff she was being transferred to Shelton Intermediate School.

According to the lawsuit, Burr acknowledged to the plaintiff that the marriage "had not caused any disruption at Shelton High School," but he was transferring her to enforce the nepotism policy. She began teaching at Shelton Intermediate School in August 2014, where she continues to teach now.

Botsford Tucker had developed high school level advanced placement U.S. Government and Politics and World History courses, which she couldn't teach after her transfer. She was denied a paid position on the high school curriculum committee, according to the lawsuit. The transfer also adversely impacted her coaching roles with the high school girls' cross country team, indoor and outdoor track teams, the lawsuit alleges, as the different hours at the intermediate school caused scheduling problems.

According to the lawsuit, Botsford Tucker's position at the high school was filled by a male teacher who had taught at a different Shelton school and requested a transfer. The lawsuit alleges her being a woman was a substantial factor in her transfer, given that administration opted against transferring her husband even though he volunteered, and they gave her job to a male teacher.

The lawsuit seeks an order declaring that the portion of the policy which enabled the superintendent to transfer one of the two staff members who are married to each other constitutes unlawful marital status discrimination. It also seeks an order instructing Shelton schools to remove from its policy the portion which authorizes the superintendent to transfer one of two staff members if they get married.

Botsford Tucker is seeking to get her old job back at Shelton High School, an award for lost wages, and compensatory damages for emotional distress, humiliation, pain and suffering.