

<b>Policy Title</b>	<b>Policy Number</b>	<b>Date Approved/Revised</b>
<b>Nepotism</b>	<b>432</b>	<b>4.18.23</b>

1) General Statement of Policy

The District may employ family members or business partners of current employees. However, to be hired, transferred, or promoted, close family members or business partners may not be assigned to the following:

- a) Positions where one can influence the employment conditions or career of the other. This includes decision involving hiring, termination, compensation, performance evaluation, discipline, promotional opportunities, and work assignments; or
- b) Positions where one reports to, directs the work of, or otherwise has direct or indirect supervision of another close family member.

2) Definitions

- a) "Close Family Member" means the employee's parent, spouse, child (including adopted child), sibling, grandmother, grandfather, grandchildren, niece, nephew, aunt, uncle, first cousin, all step relatives including stepchild, stepmother, stepfather, stepsister and stepbrother, in-law relationships including father- and mother-in-law, daughter- and son-in-law, brother- and sister-in-law, ward of the employee or employee's spouse, domestic partner, or person cohabitating in the employee's household regardless of the degree of relationship.
- b) "Business Partner" means the employee has a legally defined relationship with another person as part of a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or legal entity which engages either in nonprofit or profit making activities.
- c) "Direct or Indirect Supervision" means the authority to make, participate in, or recommend employment- and/or compensation-related decisions involving a close family member or business partner, including, but not limited to, decisions concerning hiring, promotion, transfer, discipline, termination, salary, evaluation, grievance resolution, or other similar personnel actions.

3) Application to Board Members

- a) Board members are not considered to have direct or indirect supervision except in situations when they are called upon to act specifically on matters of employment status or compensation for an applicant or employee. In such cases, board members shall abstain from the action when a close family member or business partner is involved.

4) Exceptions: Special Provisions

- a) The district reserves the right to review the application of this policy in individual cases that are in temporary positions, e.g. refereeing of youth sports or other community-service type activities, providing that the selection and hiring is done in accordance with district policy and protocols under the oversight of the Human Resources Director, except where a family member or a business

partner of the Human Resources Director is involved, in which case the hiring and selection shall be under the oversight of the Superintendent.

5) Addressing Existing Conflicts and Changes in Relationships between Employees

- a) The Human Resources Department will be responsible for implementing the provisions of this policy based upon the information furnished by applicants and employees.
- b) Any school district employee involved in a direct or indirect supervision relationship with a close family member or a business partner that existed *prior to* the original approval date of this policy or that arises *after* the adoption of this policy shall promptly notify the Director of Human Resources of such relationship.
- c) Applicant/employee is responsible and accountable for providing accurate and complete information regarding the identity of his/her "close family members" or "business partners" employed by the district.
- d) The district shall make suitable arrangements for the transfer of one of the employees, assignment of a different supervisor, or a determination that an exception is necessary under Section IV. of this policy.
- e) Employees witnessing nepotism under this policy shall report such activity to the Director of Human Resources. No employee may be subject to reprimand or disciplinary action for good faith reports under this policy.

6) Compliance with Equal Opportunity and Discrimination Laws

- a) Nothing in this policy shall be construed as discouraging the employment of close family members or business partners for positions that do not involve direct or indirect supervision. Nothing in this policy shall be construed to otherwise limit the employment opportunities of any person employed by the district.

**Rationale:** *The purpose of this policy is to establish consistent employment guidelines and to prevent situations where an individual may have, or be perceived to have, unfair influence over the career development, work assignments or work direction, performance reviews, or compensation of a family member or business partner who is also employed by the district.*

Adoption and Revision History	Incorporated Policies
POLICY 432 NEPOTISM	Policy Adopted: (date)

Administrative Rule, Regulation and Procedure: NA

Legal References: Minn. Stat. § 43A.38, Subd. 1 (Code of Ethics, Definitions)  
Minn. Stat. § 122A.40, Subd. 3 (Employment; Contracts; Termination)  
Minn. Stat. § 363A (Minnesota Human Rights Act)

42 U.S.C. § 2000e *et seq.* (Title VII of Civil Rights Act)

Cross References: MSBA/MASA Model Policy 210 (Conflict of Interest – Board Members)

MSBA/MASA Model Policy 401 (Equal Employment Opportunity)