



## **430 ANTI-NEPOTISM**

### **I. PURPOSE**

There is an appearance of impropriety, including an appearance of favoritism, when a special relationship exists between a supervisor and an employee. This appearance of impropriety may negatively impact the working environment or employee morale. The purpose of this policy is to assure a fair system of employment by prohibiting nepotism and related conflicts of interest in the workplace.

### **II. DEFINITIONS**

- A. Nepotism – Any employee or School Board member who engages in giving or showing favoritism, giving preferential treatment or the appearance of improper influence to a person or persons with whom they are engaged in a special relationship, without merit. A conflict of interest based on nepotism may exist when an individual has authority or influence over an individual with whom the employee is engaged in a special relationship in any of the following circumstances: hiring, recommending someone for employment, promoting, assignments, assigning tasks or work, purchasing from or recommending purchasing from, removing or disciplining, auditing, evaluating performance, contracting, or awarding quotes or bids.
- B. Special Relationship – The relationship between an employee and the employee’s spouse or ex-spouse, domestic partner, child, domestic partner’s children, mother, father, brother, sister, step-family, aunt, uncle, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparents and grandchildren of the employee’s spouse, or individuals living in the same household.

### **III. GENERAL STATEMENT OF POLICY**

- A. Nepotism by School District employees is prohibited. No administrator, supervisor, hiring committee, or person responsible for hiring or for evaluating either a job applicant or an employee may show favoritism to an applicant or an employee on any basis that is not job-related and merit-based. Job qualifications, skills, experience, and job performance potential are examples of factors that are job-related and merit-based.
- B. No School District employee may directly supervise another employee with whom they are engaged in a special relationship, unless direct supervision began before the enactment of this policy revision. Employees who marry or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship, or a conflict of interest based on nepotism. This policy is not intended to

No recommended changes

discourage otherwise qualified individuals who are friends or relatives from jointly working in the district.

- C. An employee is responsible for identifying actual or potential conflicts of interest based on nepotism that may occur in the course of his or her work, and shall provide notice of such conflicts to his or her supervisor or manager. Appropriate remedial action shall be taken to eliminate the conflict of interest to the extent practicable, and as allowed under law.
- D. Employees who are aware of nepotism or conflicts of interest under this policy shall report such activity to the Superintendent, or his or her designee. No employee may be subject to reprimand and/or disciplinary action for good faith reports under this policy. No employee may be subject to discrimination and/or retaliation for reporting a suspected violation of this policy.
- E. To resolve a conflict of interest in which one District employee directly supervises an individual with whom that employee has a special relationship, the District may facilitate a transfer of that employee or assign another individual, to the extent practicable, to make all employment decisions relating to, but not limited to: performance evaluations; job assignments; access to private and confidential data; the allocation of employment opportunities, including opportunities for training, skill advancement, and promotion; the administration of discipline; and the administration of employee benefits, such as leave requests.
- F. This policy does not affect any federal or state law prohibiting discrimination. An employer may not refuse to hire, discharge, or otherwise discriminate against a person based on any protected status, including but not limited to, marital or familial status. Accordingly, this policy will not be applied in a manner that unlawfully impacts the hiring, tenure, compensation, terms, conditions, upgrading, or other privileges of employment of employees or applicants for employment.

*Legal References:* Minnesota Statutes, Chapter 363A.

**POLICY ADOPTED:** September 26, 2013

**POLICY REVIEWED:** June 4, 2020

**POLICY REVISED:** September 15, 2016