

Policy #: 426
Title: NEPOTISM IN EMPLOYMENT
Date of Initial Approval: 10-18-2017
Revision/Re-authorization Dates:
Reviewers: MSA Human Resources; MSA Superintendent

I. PURPOSE

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, work direction, performance reviews, or compensation of a family member who is also employed by the Minnesota State Academies (MSA). As a public entity, MSA must be held to high standards to deserve the public trust. Nepotism, or the appearance of nepotism, diminishes the integrity of MSA in the public's eye and should be avoided at all times. Employing persons who are close family members, but whose work assignments do not bring them into supervisory work relationships, and whose employment was not influenced by the other does not constitute nepotism. Balancing the ability of MSA to attract and keep the best employees for the purposes of MSA's academic mission with a prohibition against nepotism requires the disclosure of potential conflicts with this policy and actions to prevent and arrange placement of related persons within the academies to avoid valid claims of nepotism.

II. GENERAL STATEMENT OF POLICY

MSA may employ family members of current employees. However:

- A. No individual shall be assigned, reassigned, permanently or temporarily employed or issued an independent contract in a department, program, location, or school where close family member will have administrative or supervisory responsibility over that individual.
- B. No employee shall be part of the interviewing, hiring, or contracting process for a close family member.
- C. No employee shall influence or attempt to influence the hiring, transfer, suspension, promotion, discharge, reward, discipline, or adjustment of grievances of a close family member. If the employee has been granted an exception to have a close family member under their administrative or supervisory responsibility, any transfer, suspension, promotion, discharge, reward, discipline, or adjustment of grievances for the excepted close family member shall be handled by the supervisor's superior.
- D. Close family members may work in the same department, location, or school as long as the relationship is disclosed and approved by both individuals' supervisors.
- E. Potential employees are required to disclose their relationship to a MSA employee who is a close family member during the application process to ensure that close family members do not participate in the selection process.

- F. Employees shall disclose any potential conflict with this policy due to a proposed reassignment, transfer, promotion or demotion, to their supervisor.
- G. Willful breaches of this policy may result in employee discipline up to, and including reassignment or termination of employment
- H. This policy does not apply generally to situations where students enroll in or are assigned to classes or activities taught or supervised by close family members. In such cases, the employee shall notify the Director of the relationship and the Director may make reassignments. In the event that no reassignment is possible, the employee shall be responsible for making those academic decisions normally incident to their instructional duties. (See Policy #423)

III. DEFINITIONS

A. Close Family Member

A close family member means the employee's parent, spouse, ex-spouse, child (including adopted child), sibling, grandmother, grandfather, grandchildren, niece, nephew, aunt, uncle, first cousin, all step relatives, including stepchild, stepmother, stepfather, step sister, and step brother, 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 the relationship. Half-blood relationships are defined the same as full-blood relationships.

B. Direct or Indirect Supervision

Direct or indirect supervision means the authority to make, participate in, or recommend employment- and/or compensation-related decisions involving a close family member, including, but not limited to, decisions concerning hiring, promotion, transfer, discipline, termination, salary, evaluation, grievance resolution, or other similar personnel actions.

IV. APPLICATION TO BOARD MEMBERS

MSA 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 is involved or might be affected by the action. This includes situations when grievances may be brought before the board regarding decisions made by the superintendent regarding disciplinary action and/or other employment actions that affects the board member's close family member.

V. EXCEPTIONS: SPECIAL CIRCUMSTANCES

In exceptional circumstances, a direct or indirect supervision relationship may exist between employees who are close family members. Such circumstances may be necessitated by factors such as the unique qualifications or responsibilities of the individuals involved, the lack of other available appropriate supervisory personnel, or whether the position for which the close family member is being considered is temporary in nature. Any exception must be reviewed and approved in writing by the Superintendent of MSA. Any direct or indirect supervision relationship approved by the Superintendent must be reported to the MSA board. All employment decisions affecting the subordinate employee, including, but not limited to, selection, hiring, discipline, performance review, compensation, or leave, must be assigned to other supervisory personnel. Exceptions involving the Superintendent of MSA and a close family member of the Superintendent must be approved in writing by the MSA board.

VI. ADDRESSING EXISTING CONFLICTS AND CHANGES IN RELATIONSHIPS BETWEEN EMPLOYEES

Any employee involved in a direct or indirect supervision relationship with a close family member that existed prior to the original approval date of this policy or that arises after the adoption of this policy shall promptly notify the MSA Superintendent of such relationship. The Superintendent 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 V. of this policy. Any direct or indirect supervision relationship approved by the Superintendent under Section V. shall be reported to the MSA board. The Superintendent shall promptly notify the MSA board of any direct or indirect supervision relationship which arises concerning a close family member of the Superintendent. All such direct or indirect supervision relationships involving the Superintendent shall be resolved by the MSA board in accordance with this policy.

VII. COMPLIANCE WITH EQUAL OPPORTUNITY AND DISCRIMINATION LAWS

Nothing in this policy shall be construed as discouraging the employment of close family members 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 MSA. Any employee involved in a direct or indirect supervision relationship with a close family member that existed prior to the original approval date of this policy or that arises after the adoption of this policy shall promptly notify the MSA Superintendent of such relationship. The Superintendent 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 V. of this policy. Any direct or indirect supervision relationship approved by the Superintendent under Section V. shall be reported to the MSA board. The Superintendent shall promptly notify the

MSA board of any direct or indirect supervision relationship which arises concerning a close family member of the Superintendent. All such direct or indirect supervision relationships involving the Superintendent shall be resolved by the MSA board in accordance with this policy

Legal References:

Minn. Stat. § 124E.07, Subd 6 (Charter Schools)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
42 U.S.C. §2000e et seq. (Title VII of the Civil Rights Act)

Cross References:

MSBA/MASA Model Policy 210.1 (Conflict of Interest – Charter School Board Members)
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)
MSBA/MASA Model Policy 426 (Nepotism in Employment)
Minneapolis Public Schools Policy 3003 (Nepotism)

Appendix:

Appendix 424 A – Plan to address Direct or Indirect Supervisory Responsibility for a Close Family Member