

426 NEPOTISM– CHARTER SCHOOLS

I. PURPOSE

The purpose of this policy is to establish consistent employment guidelines and to prevent situations in which 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 charter school.

II. GENERAL STATEMENT OF POLICY

The charter school may employ family members of current employees. However, to be hired, transferred, or promoted, close family members may *not* be assigned to the following:

- A. Positions where one can influence the employment conditions or career of the other. This includes decisions 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.

III. DEFINITIONS

A. Close Family Member

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. 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

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.

V. NEPOTISM

The board must adopt a nepotism policy that prohibits the employment of immediate family members of a board member, a school employee, or a teacher who provides instruction under

a contract between the charter school and a cooperative. The board may waive this policy if: (1) the position is publicly posted for 20 business days; and (2) a two-thirds majority of the remaining board of directors who are not immediate family members of an applicant vote to approve the hiring. A board member, school employee, or teacher under contract with a cooperative must not be involved in an interview, selection process, hiring, supervision, or evaluation of an employee who is an immediate family member.

VI. 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 charter school's chief administrator. Any direct or indirect supervision relationship approved by the chief administrator shall be reported to the board of directors. 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 or, if no other supervisory personnel exist, to the charter school's board of directors. Exceptions involving the charter school's chief administrator and a close family member of the chief administrator shall be approved in writing by the charter school's board of directors.

VII. ADDRESSING EXISTING CONFLICTS AND CHANGES IN RELATIONSHIP BETWEEN EMPLOYEES

Any charter school 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 charter school's chief administrator of such relationship. The chief administrator 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 chief administrator under Section V. shall be reported to the board of directors. The chief administrator shall promptly notify the charter school's board of directors of any direct or indirect supervision relationship which arises concerning a close family member of the chief administrator. All such direct or indirect supervision relationships involving the chief administrator shall be resolved by the board of directors in accordance with this policy.

VIII. 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 the charter school.

Legal References: Minn. Stat. § 124E.07, Subd. 6 (Board of Directors)
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)