

CONCORD UNIVERSITY BOARD OF GOVERNORS

Policy No. 46

Policy on Employment Of Relatives/Family Members (Nepotism)

Effective Date: 12/07/2010

SECTION 1. GENERAL

1.1 Scope – The purpose of this policy is to establish guidelines related to the hiring and supervision of family members of employees.

1.2 Effective Date – 12/07/2010

1.3 Concord University recognizes that certain employment actions concerning relatives/ family members of employees are in violation of W.Va. CSR 158-6-3 (West Virginia Ethics Commission rule on nepotism), and may cause serious conflicts and problems with favoritism and employee morale. Further, personal conflicts from outside the work environment may be carried into the daily working relationship.

SECTION 2. DEFINITIONS

2.1 “Family member” is defined as one of the following: relationships by blood or adoption -- parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin; relationships by marriage -- husband, wife, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, or niece; and cohabitating sexual partners.

2.2 “Employment” for the purpose of this policy is defined as any position for which compensation is received regardless of funding source. Approved uncompensated work including but not limited to internships and volunteers, will not be considered employment for the purpose of this policy.

2.3 “Nepotism” means favoritism shown or patronage granted by a University employee to family members in employment matters without regard to public notice and consideration to other applicants, or qualifications required to perform the job; or when family members are otherwise afforded the benefit of preferential treatment.

SECTION 3. POLICY

3.1 Employees may neither initiate nor participate in institutional decisions involving a direct benefit to a family member. Such decisions include, but are not limited to: hiring or initial appointment, retention, promotion, tenure, salary, assignment of job duties, professional development activities, university travel, and approval of leave.

3.2 Family members of persons currently employed by the University may be hired only if they will not be working directly for or supervising a family member or

will not occupy a position in the same line of authority where decisions involving a direct benefit to the family member may occur. Such decisions include, but are not limited to hiring or initial appointment, retention, promotion, tenure, salary, and assignment of job duties, professional development activities, university travel, and approval of leave. Prior to an employment offer, the supervisor must sign and process a statement certifying that he/she is not hiring a Family Member.

3.3 In order to minimize any perception of impropriety, a supervising employee will immediately recuse himself or herself from participating in any matter where a direct benefit to a family member, friend, or business associate is discussed or action is to be taken.

3.4 If, as of the effective date of this policy, any family member is currently working in a position that violates paragraph 3.2, the cabinet officer in charge of that division, department or office shall work with the supervisor of that area and the University's Office of Human Resources to make arrangements to eliminate or mitigate the situation. Such mitigation may involve a recusal as set forth in paragraph 3.3 above.

3.5 If an exception to this policy is desired, a request should be made to the Office of Human Resources. Human Resources shall then appoint a committee of at least three individuals who are impartial, are in a position to make an informed decision, and do not have a conflict of interest to review the facts surrounding the request for an exception and make a recommendation to the Director of Human Resources. An appeal of the Director's decision can be made to the University President. The President may seek counsel from his or her Cabinet or, if necessary, the Board of Governors before making his or her decision on the appeal. If the situation is such that the President has a conflict of interest, the appeal of the decision by the Human Resources Director shall be made to the Board of Governors, who will be the deciding body.