

Conflicting Employment Relationships (Nepotism and Consensual Romantic Relationships)

LAST REVISED ON 09/2015

This policy applies to: All University personnel (faculty, staff, and student employees), appointees, trainees, and interns.

I. Purpose

Nepotism in the workplace occurs when relatives or closely related persons are favored in employment decisions. Nepotism is inconsistent with the University's policy and practice of making employment decisions based solely on University needs and individual qualifications, skills, ability, and performance. The Policy is intended to ensure effective supervision, internal discipline, trust, and positive morale in the workplace, and seeks to avoid the appearance of, or potential for, favoritism, conflicts of interest, the appearance of impropriety, and conflicts of loyalty associated with nepotism.

II. Policy

No employee involved in employment decisions may make, participate in, or attempt to influence employment or evaluative decisions involving a relative or closely related person. This Policy is intended to prohibit employees who are related from working in direct reporting or supervisory relationships. The Policy does not, however, prohibit the University from simultaneously employing relatives or closely related persons altogether when the employment relationship does not create actual or potential conflicts of interest and where the employee has no influence over the terms or conditions of the related person's employment.

III. Definitions

“Domestic partnership” refers to two individuals of the same or opposite sex who meet the criteria as defined in the University’s affidavit of domestic partners.

“Employment Decisions” refers to the full array of employment related actions that occur at the University, including but not limited to, decisions related to hiring, supervision, promotion, compensation, work hours, performance evaluation, termination, and decisions involving other terms and conditions of employment.

“Nepotism”, as used in this policy, means favoritism in the workplace based on a familial or a similar close relationship, including those with whom one has had within the prior two years or currently is having a consensual romantic or sexual relationship.

“Relative or closely related person” (also referred to as “related persons”), for purposes of this policy, is defined as a familial or other close relationship, whether by blood, adoption, marriage, or domestic partnership (e.g., a spouse, domestic partner, child, grandparent, grandchild, aunt, uncle, brother, sister, first cousin, niece, nephew, any corresponding in-law or step- or foster relation), as well as any persons residing in the immediate household and any individual currently or within the prior two years sexually or romantically involved in a consensual relationship with any University employee.

IV. Guidelines

A. General

In general, employment of relatives or closely related persons is limited only when necessary to avoid conflicts of interest and provide reasonable assurance that each person can carry out the responsibilities of his or her position as objectively as possible. Where employment would be in conflict with the policy, as stated above, the problem may be avoided by adjustment of the duties assigned to one or both of the individuals or by modification of the administrative relationships of their positions, or both, or through the development and implementation of a management plan

which will ensure that all employment decisions are made by others. Any exception to the policy or development of a management plan must be approved pursuant to the procedures set forth in Section V below.

B. Senior Administrative Officers and Deans, Directors and Department Heads

A closely related person may be employed in the same unit, school, college, department, or division over which a senior administrative officer, dean, director or department head related to the person is responsible, only if: (1) a management plan has been adopted as provided in VB and (2) all employment decisions with respect to the closely related person are made by a senior administrative officer different from the one to whom the person is related

C. Supervisor-Supervisee Relationship

Individuals should not be employed in or transferred or promoted to a position or in an appointment which involves employment decisions being made concerning the individual by a relative or closely related person. In addition, except as otherwise approved, multiple related persons should not report to a common supervisor.

D. Departmental Administrative Responsibilities

Individuals with departmental administrative responsibilities who may have conflicting relationships under this policy should not have responsibility for reviewing and approving financial, budgetary, purchase, or personnel actions initiated by, recommended by, or affecting a relative or closely related person, or for approving or acting on a related person's administrative reports, project or grant requests.

E. Question as to Whether an Individual Qualifies as A Relative Under this Policy

Any doubt or question as to whether an individual who will be the subject of an employment decision could be considered a relative or closely related person within the meaning of this Policy should be resolved in favor of disclosing the relationship to Human Resources prior to making the employment decision.

F. Disclosure of Existing Relationships

Familial or other close relationships should be disclosed so that they can be evaluated and either avoided or managed pursuant to the procedures in V.

G. Applicability to Research Grants

As a general rule, a principal investigator shall not permit a person with whom he/she is related to be paid from funds of a grant or contract supervised by the principal investigator unless disclosure has been made to the Principal Investigator's department chair and an appropriate management plan has been put in place to ensure that the work of the relative is being supervised by another individual on the grant who is not related to the Principal Investigator.

V. Procedure

A. Administration of Policy

Administration of this Policy is the responsibility of the Associate Vice President for Human Resources.

B. Disclosure and Reporting of Relationships

Individuals in the University community are expected to disclose relationships that fall within this policy. Disclosure should be made by persons involved in such relationships but may be made by others who are aware of such a relationship.

- 1. Reporting by Related Persons.** All related persons are expected to disclose their relationship in advance of any employment decisions being made involving the other. Employees must self-report to the head of their organizational unit before they make, participate in or attempt to influence (or cause others to make, participate or attempt to influence) employment decisions covered by this Policy. If the relationship at issue involves the leader of an organizational unit (e.g., Department Chair, Dean, etc.), the report must be made in writing to the next most senior leader to whom the employee is accountable. If it is feasible, one of the employees involved will be transferred to another unit within the University in order to avoid employment decisions being made by related persons. If transfer is not feasible or not in the best interests of the University, the head of the organizational unit or the senior leader to whom disclosure is made, should consult with the University's Associate Vice President for Human Resources for evaluation and determination of whether an exception to this policy is warranted and/or a management plan is required. The concurrence of the President will be required for any exception to this policy or management plan involving officers, deans, directors or department heads, and, in the case of the involvement of the President, the approval of the Board of Trustees is required.
- 2. Reporting by Persons Who Become Related After Hiring Decision is Made.** Individuals who become "related" causing a violation of this policy (such as employees who marry, enter into a domestic partnership or become residents of the same household, or who become relatives as a result of a marriage or domestic partner relationship, or who start dating or otherwise engage in a consensual or romantic relationship after an individual is hired, transferred or promoted into the other's work unit and subject to direct or indirect supervision of the other) are expected promptly to disclose the relationship following the process set forth above for reporting by related persons.
- 3. Reporting by Others.** In the case of employees who are aware of relationships that may be in conflict with this policy, reports about possible violations of this policy may be submitted to the University's Associate Vice President for Human Resources for further evaluation and investigation. All such reports/complaints will be treated as confidentially as feasible.

Retaliation against a person who reports a possible violation of this policy is prohibited.

4. **Reporting of Relationships that Are Unwelcome or Not Consensual.** Any employee who feels he/she is involved in a workplace relationship that has developed into one which has become unwelcome and not consensual and may be viewed as harassment or discrimination should refer to the University's Policy Against Harassment and Discrimination (HR Policy 106) (<https://www.rochester.edu/policies/policy/discrimination-harassment/>) and also contact any of the following for assistance: the Equal Opportunity Compliance Director, the Intercessor or Human Resources.

C. Exceptions

Where the special talents, background or training of an individual are such that it is clearly in the University's interest, an exception to Policy 121 may be granted. A written request for an exception to Policy 121 should be made to the University's Associate Vice President for Human Resources. The concurrence of the President will be required for any exception from this policy involving officers, deans, directors or department heads, and, in the case of the involvement of the President, the approval of the Board of Trustees. A management plan, as set forth below, will be required, when an exception to this policy is approved.

D. Management Plans

Where it is determined that employment or appointment of related persons is in the best interests of the University **and** an exception to this policy is needed and is approved, a management plan will be put in place to manage the conflict of interest. The management plan will be prepared by the University's Associate Vice President for Human Resources (or his or her designee) in consultation with the next most senior neutral supervisor in the organizational work unit at issue and the related persons. If a University officer or senior administrative official is involved in the conflicting relationship, the President (or his or her designee) will develop the management plan. In a situation involving the President, the General Counsel of the University will develop the management plan which must be approved by the Board of Trustees. All management plans must, at a minimum, (1) address reporting relationships, supervision and evaluation in a way that will assure that there will

be no participation in employment or appointment decisions as prohibited by this policy, and (2) establish a review and approval process for expenditures to sufficiently mitigate or preclude favoritism or the appearance of favoritism.

E. Violations of Policy

Violations of this policy may result in discipline, up to and including termination of employment. Violations may include, but are not limited to, failing to disclose and/or actively concealing a relationship that falls within this policy or willful failure or refusal to cooperate with an approved management plan or retaliation against an employee or student who has disclosed the relationship.

Also see:

- [Policy 100 – Equal Employment Opportunity Policy \(https://www.rochester.edu/policies/policy/workplace-values/\)](https://www.rochester.edu/policies/policy/workplace-values/)
- [Policy 106 – Policy Against Discrimination and Harassment \(https://www.rochester.edu/policies/policy/discrimination-harassment/\)](https://www.rochester.edu/policies/policy/discrimination-harassment/)
- Conflict of Interest Policies
- URM Code of Conduct

ABOUT THIS POLICY

Policy Number

121

Policy Group

Human Resources

Issuing Authority

Human Resources

Responsible Officer

Kathy Miner

Contact Information

[kathy.miner@rochester.edu \(mailto: kathy.miner@rochester.edu\)](mailto:kathy.miner@rochester.edu)

RELATED POLICIES

[Policy Against Discrimination, Harassment, and Discriminatory Employment/Service Practices \(https://www.rochester.edu/policies/policy/discrimination-harassment/\)](https://www.rochester.edu/policies/policy/discrimination-harassment/)

[Workplace Values and Equal Opportunity Policy \(https://www.rochester.edu/policies/policy/workplace-values/\)](https://www.rochester.edu/policies/policy/workplace-values/)

POLICY KEYWORDS

[Conduct \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=346\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=346)

[Conflicts \(https://www.rochester.edu/policies/all/?filter%5Btopics%5D=356\)](https://www.rochester.edu/policies/all/?filter%5Btopics%5D=356)