



# Nepotism (NC-2032)

## Administrative Procedure

West Virginia Northern Community College is committed to providing and maintaining a positive working and learning environment in which every employee and student is evaluated on the merits of their performance without nepotism, conflicts of interest, exploitation, and/or favoritism. The purpose of this administrative procedure is to define nepotism and its applicability for all students and all employees.

### Definitions

**Nepotism** is favoritism or the appearance of favoritism in the workplace or educational environment based on kinship, which ordinarily consists of making employment, educational or other decisions based on a family or personal relationship.

**Relative** is one connected to another by blood, adoption, or marriage, including a spouse, child or stepchild; parent, stepparent, or spouse's parent; sibling, stepbrother, stepsister, or spouse's sibling; grandparent, step-grandparent, or spouse's grandparent or step-grandparent; grandchild, step-grandchild, or spouse's grandchild or step-grandchild; aunt or uncle or spouse's aunt or uncle; or niece or nephew or spouse's niece or nephew.

**Personal Relationship** means living in the same household, having an intimate relationship, or any other relationships that would give rise to a substantial appearance of impropriety or lack of reasonable objectiveness. For purposes of this definition, intimate relationship means an interpersonal relationship that involves emotional or physical intimacy, including but not limited to, romantic or passionate attachment or sexual activity.

**Supervisor-Direct Report Relationship** is a relationship in which one employee reports to another employee or otherwise participates directly in making personnel decisions regarding another employee.

**Faculty (Instructor)-Student Relationship** is a relationship in which a student receives academic instruction from a faculty member, or instructor or in which the faculty member or instructor participates in decisions affecting a student's academic record.

### Procedures

An employee may not directly participate in a college decision that would involve a direct benefit or detriment to a relative or individual with whom the employee has a Personal Relationship.

### Supervisor-Direct Report Relationships

1. The College may employ individuals who are relatives or have a personal relationship if the individuals do not have a Supervisor-Direct Report Relationship.

2. The College prohibits an employee from having a Supervisor-Direct Report Relationship with a Relative or individual with whom the employee has a Personal Relationship.
3. An employee may not make, participate in, or attempt to influence employment or other business decisions involving an employee who is a Relative or is an individual with whom the employee has a Personal Relationship, including but not limited to decisions regarding hiring, promoting, supervising, disciplining, evaluating, compensating, directing work, setting work hours, or setting other conditions of employment, such as approval of expenditure of College funds or use of College resources.

#### **Faculty-Student Relationships (includes Non-credit Instructors)**

1. A student may enroll in courses at the College if the student does not have a Faculty-Student Relationship with a Relative or an individual with whom the student has a Personal Relationship.
2. The College prohibits a faculty member from having an Intimate Relationship with a student who is under the age of eighteen (18) regardless of whether it is a Faculty-Student Relationship.
3. The College discourages a faculty member from having an Intimate-Relationship with an adult student, even if there is not a Faculty-Student Relationship.
4. The College prohibits a faculty member from having a Faculty-Student Relationship with a Relative or individual with whom the faculty member has or develops a Personal Relationship.
5. A faculty member may not evaluate student academic work, make changes to a student's academic record or participate in or attempt to influence decisions involving a student who is a Relative or is an individual with whom the faculty member has a Personal Relationship, including but not limited to grading, evaluating student work, awarding credits for prior learning or a credential graduating or participating in other activities in which a student is engaged at the College.

#### **Employee-Student Relationship**

1. An employee may not directly participate in a college decision such as financial aid awards or class scheduling that would involve a direct benefit or detriment to a relative or individual with whom the employee has a Personal Relationship.

#### **Reporting**

1. Any employee who has or is hired or transferred to a position in which a Supervisor-Direct Report Relationship exists with a Relative or an individual with whom the employee has a Personal Relationship must report the relationship to the Director of Human Resources as soon as practical but in no event later than ten (10) business days of the Supervisor-Direct Report Relationship coming into existence.
2. If a Personal Relationship develops between employees who are in a Supervisor-Direct Report Relationship, the employees must report the relationship to the Director of Human Resources as soon as practical, but in no event later than (10) business days of the Personal Relationship coming into existence.
3. Any faculty or student who becomes aware that a student is enrolled in a course in which the student has a Faculty-Student Relationship with a faculty member who is a Relative or with whom the student has a Personal Relationship must report the relationship to the Chief Academic Officer and the Director of Human Resources as soon as practical, but in no event later than (10) business days from the class start date.

4. If a Personal Relationship develops between a faculty member and an adult student during the course, the faculty member must report the relationship to the Chief Academic Officer and the Director of Human Resources as soon as practical.
5. Failure to report may result in disciplinary action, up to and including termination or dismissal from the College, in accordance with these procedures.
6. Upon receipt of a report, the Director of Human Resources and the Chief Academic Officer will resolve the situation in accordance with these procedures.
7. If an applicant for a College position fails to report that an employee who is involved in the hiring process is a Relative or an individual with whom the applicant has a Personal Relationship, the Director of Human Resources may decline to offer the applicant a position or may withdraw an offer of employment from the applicant.

#### **Search Committees and other College Committees**

1. Under no circumstances should any employee exert undue pressure on any search committee, promotion or other College wide committee decision with regards to an applicant or candidate who is a Relative or with whom the individual has a Personal Relationship.
2. If an employee becomes aware that an applicant for a position in which the employee will serve on the search committee or be involved in the selection process is a Relative or individual with whom the employee has or develops a personal relationship with during the hiring process, the employee is required to report the relationship to the Chair of the search committee or if the employee is the Chair of the search committee or there is not a search committee, to the Director of Human Resources.
  - a. The Chair of the search committee or Director of Human Resources will replace the employee on the search committee.
  - b. The applicant for the position also has a duty to report if an employee who is the applicant's Relative or with whom the applicant has or develops a Personal Relationship is involved in the hiring process.
3. Any faculty member serving on a promotion or other committee that is reviewing a Relative or individual with whom the faculty member has or develops a Personal Relationship must recuse themselves. Upon recusal, the faculty member may be replaced with another faculty member by the committee.

#### **Working for the Same Supervisor**

1. Employees who are Relatives or in a Personal Relationship may not directly report to the same supervisor. If such an appointment is contemplated, the impacted employees must report the relationship to the potential supervisor and the Director of Human Resources; and the supervisor is likewise expected to report the relationship to the Director of Human Resources.
2. If employees develop a Personal Relationship while working for the same supervisor, the employees are required to report the relationship to the Director of Human Resources who may change supervisory roles. It is the sole discretion of the Director of Human Resources.

#### **Development of Supervisor-Direct Report Relationship After Employment**

1. If a Supervisor-Direct Report Relationship develops between employees who are relatives or who has a personal relationship during employment, both employees are required to notify their

supervisor and the Director of Human Resources. The requirement to report includes relationships that exist at the time these procedures are adopted.

2. If a personal relationship develops between employees who are in an existing Supervisor- Direct Report Relationship, both employees are required to notify their supervisor and the Director of Human Resources.
3. Upon receipt of a report, Human Resources shall act to ensure that the Supervisor- Direct Report Relationship ends, which may include the following:
  - Transfer or reassignment to another position that removes the Supervisor- Direct Report Relationship
  - Removal of supervisory authority
  - Separation of one or more of the employees involved in the Supervisor- Direct Report Relationship

### **Disciplinary Matters**

1. An employee may not be involved in any investigation or decision with regards to a disciplinary matter involving another employee who is a Relative of the employee or in a Personal Relationship with the Employee, except as a witness.
2. An employee may not be involved in any investigation or decision with regards to disciplinary matters, including allegations of violation of the Student Code of Conduct or academic misconduct, involving a student who is a Relative of the employee or in a Personal Relationship with the Employee, except as a witness.

### **Student Course Registration, Enrollment and Clinical Settings**

1. A faculty member shall not teach or evaluate a Relative, individual with whom the faculty member has or develops a Personal Relationship or another Employee who is a subordinate in any course, including, but not limited to, clinical settings, labs, and internships to which they are assigned.
2. A faculty member must immediately report the registration, enrollment and/or assignment of a Relative, individual with whom they have a Personal Relationship, or subordinate Employee in any course(s) or clinical setting (s) to the Chief Academic Officer.
3. Upon receipt of the report, the Chief Academic Officer will work with the Registrar's Office and the student to reassign the student to another course section.
4. If actions to avoid a Faculty-Student Relationship between Relatives or individual who have a Personal Relationship are not feasible the Chief Academic Officer may request an exception to the prohibition against such as an arrangement.
  - a. The request shall be made in writing to the Chief Academic Officer and the Director of Human Resources and shall address:
    - The unique circumstances that prevent actions to avoid a Faculty-Student Relationship among the faculty member and student (e.g., the faculty member is the only instructor who teaches a course that is required for the student to graduate).
    - Proposed measures to the ongoing supervision and evaluation of the student (e.g., having a Division Chair or Program Director review the student's grades on assignments).
  - b. If the CAO and/or DHR believe it is in the best interest of the College to approve the request, the CAO will approve the request in writing, submit the written approval to the Division Chair for notification, and the faculty member and student may remain in the Faculty-Student

- Relationship and must adhere to the proposed measures stated in the request and any additional measures stated by the CAO/DHR in the written approval. The Division Chair will communicate the approval in writing to the faculty member and student.
- c. If the CAO and/or DHR denies the request in writing, the CAO/DHR will direct the Registrar's Office to disenroll the student in the course or clinical setting and will notify the Division Chair in writing.
5. Faculty and students who are Relatives or in a Personal Relationship may not continue in a course or clinical setting where a Faculty-Student Relationship exists without the approval of such a request by the CAO or a designee.

(Adapted from Anne Arundel Community College Nepotism and Personal Relationship Policy and Procedures)