

**Policy #1301**  
**Nepotism and Employment of Family Members**

**Date of Current Revision: June 2008**  
**Responsible Office: Director, Human Resources**

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1. **PURPOSE**

This policy is intended to define the university's policies on the employment and supervisory assignments of members of an employee's family.

2. **AUTHORITY**

The Board of Visitors has the authority to make all rules and regulations concerning the employment of individuals to work for the university. Where the board has not enacted rules, the authority is delegated to the President.

**DEFINITIONS**

**Family Member or Family:**

(1) A spouse, (2) any other person residing in the same household as the employee who is a dependent of the employee or of whom the employee is a dependent, or (3) any person related to the employee within the second degrees of kinship or the third degree of lineage. This shall include the employee's or the spouse's children, parents, grandparents, great-grandparents, brothers, sisters, half brothers and half sisters, grandchildren, great-grandchildren, aunts, uncles, nieces, nephews, first cousins, second cousins and persons married to them, including adopted, step, and foster relationships.

**Nepotism:**

Favoritism shown to a relative by employment on the basis of relationship.

**Immediate Supervisor:**

The employee in direct authority over another employee. For the purposes of this policy, this encompasses the person who evaluates the employee, makes assignments to the employee, or has authority to hire or separate, or to determine or make recommendations on the hiring, separating, salary or other terms and conditions of employment of the employee.

**Reviewer:**

The supervisor's supervisor.

**Supervisor-Subordinate Relationship:**

The supervisor-subordinate relationship shall be interpreted to include the relationship between the immediate supervisor and subordinate as well as the reviewer and subordinate.

3. **APPLICABILITY**

This policy applies to all employees of the university, including instructional faculty members, administrative and professional faculty members, classified staff, non-student wage employees and student employees.

4. **POLICY**

Prohibited employment: An individual may not be employed in any position in which he/she will function as the immediate supervisor or reviewer of a member of his/her family. An individual may

not be employed in any position in which he/she will function as the immediate subordinate or in a subordinate-reviewer relationship with a member of his/her family. Family members shall not be employed in the supervisory-subordinate relationship even if it results from marriage after the employment relationship was formed.

Employment requiring prior approval: In positions not involving nepotism in violation of this policy, relationship by family or marriage shall constitute neither an advantage nor a deterrent to employment by James Madison University, provided the individual meets and fulfills the university's employment qualifications. Applicants will be asked on the university application of any relationships with current employees of the university. If the applicant has a family member already employed by the university in the same college or assistant or associate vice president's area, the applicant may only be offered a position with the explicit prior written approval from the appropriate division head, associate or assistant vice president, or dean. If the relative is related to the AVP or dean, the approval must come from the division head.

Employment not requiring prior approval: An applicant who identifies a family member currently employed by the university in another division, college, or assistant or associate vice president's area, may be extended an offer without prior written approval.

## **5. PROCEDURES**

All applicants for employment positions at the university shall be required in the employment process to disclose the identity of any family member working at the university. This shall be accomplished by the requirement that all candidates for any position at the university complete an application in the JMU JobLink system.

If an applicant has revealed information concerning a family member working at the university in JobLink, this information will be analyzed by the hiring authority to determine whether employment in the position is prohibited, or whether prior approval is required before a position offer may be made to the applicant. If employment is prohibited, the applicant may not be offered the position. If prior approval is required, a form signed by the appropriate dean, assistant or associate vice president must be provided to the Human Resources Department before the offer is extended to the candidate.

## **6. RESPONSIBILITIES**

It is the responsibility of each hiring authority to ensure that each applicant has completed the application requirements including an application in JobLink or has disclosed information about the applicant's family member(s) employed by the university. It is also the responsibility of each hiring authority to analyze this information to determine if the employment is prohibited, or if a signed approval is required before extending an offer of employment.

It is the responsibility of the appropriate division head to approve whether an applicant's family member already employed in the same college or AVP's area of the division will constitute a violation of policy within the division. Signing an approval form for the employment of an applicant who has a family member already employed in the college or area under the AVP is appropriate only when the signatory feels that the relationship between the current employee and the applicant will not disrupt or in any way harm the smooth functioning of the college or area under the AVP.

It is the responsibility of each applicant for employment to disclose family relationships with any current employee of the university.

## **7. SANCTIONS**

Any applicant who violates this policy by failing to disclose the identity of any family member in the university is subject to disciplinary action up to and including immediate termination.

Any hiring authority who violates this policy by failing to obtain a JobLink application from an applicant, or by failing to obtain prior written approval to make an offer of employment to an individual who reveals the identity of a family member within the same college or AVP's area of the division, is subject to sanctions.

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

## **8. EXCLUSIONS**

This policy does not apply to employees whose positions are reorganized or otherwise placed into the same division as the position held by a family member, as long as the two employees were hired into different divisions originally. However, the prohibition against having one family member serve as immediate supervisor or reviewer over another still applies. This policy does not apply to employees who are already employed by the university as of May 31, 2002. However, the prohibition against having one family member serve as immediate supervisor or reviewer over another still applies.

## **9. INTERPRETATION**

The authority to interpret this policy rests with the President, and is generally delegated to the Director of Human Resources.

Previous version: April 2004

Approved by the President: April, 2002

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