

Policy 1301
Nepotism and Employment of Family Members

Date of Current Revision: June 2021
Responsible Officer: Director of Human Resources

1. PURPOSE

This policy is intended to establish the rules and procedures for the employment and supervisory assignments of members of an employee's relation by family or marriage when such employment or supervision is not otherwise prohibited by the Virginia Conflict of Interests Act.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

FEDERAL OR STATE STATUTE AND/OR REGULATION

Virginia Conflict of Interests Act (§2.2-3100et seq.)

3. DEFINITIONS

Immediate Supervisor

The employee in direct authority over another employee. For the purposes of this policy, this may encompass the person(s) 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.

Nepotism

Favoritism based on relationship and/or kinship regardless of merit.

Related by Family or Marriage

A person who is, by blood or marriage, an employee's spouse, parent, child (including step-children), sibling, grandparent, grandchild, aunt, uncle, niece, nephew, or individual whom an employee has been assigned legal responsibility or guardian.

Reviewer

The supervisor of an employee's immediate supervisor, or another person designated to review an employee's position description, performance plan, performance rating, and who responds to appeals of performance ratings.

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.

4. APPLICABILITY

This policy is applicable to all employees of the university, including student employees.

5. POLICY

Any nepotism by any employee in hiring, promotion, advancement, benefits, or conditions of employment of an individual related by family or marriage is prohibited.

6. PROCEDURES

Applicants for employment at the university shall be required in the employment process to disclose the identity of any individual related by family or marriage working at the university or serving at the time of application on the Board of Visitors as part of the JobLink application process. Departments hiring outside of the JobLink application process (wage and adjuncts) are instructed to inquire about relationships which may violate the nepotism policy. This may involve an employee's new hire, re-hire, or transfer into another position. If an applicant has revealed information concerning a family member working at the university or serving on the Board of Visitors, the hiring authority will determine whether employment is prohibited or whether prior approval is required before a position offer can be made to the applicant. If employment is prohibited, the applicant may not be offered the position.

6.1 Prohibited employment

An individual may not be employed in any position in which they will function as the immediate supervisor or reviewer of an individual related by family or marriage. An individual may not be employed in any position in which they will function as the subordinate or in a subordinate-reviewer relationship with an individual related by family or marriage and shall not be employed in the supervisory-subordinate relationship even if it results from marriage after the employment relationship was formed.

6.2 Employment requiring prior approval

When prior approval to hire is required, a [Nepotism Review form](#) signed by the appropriate dean, assistant or associate vice president (AVP), and vice president (VP), and president when related to a VP, must be provided to Human Resources before the offer is extended to the candidate. When the applicant is related to the president or to a Board of Visitor (BOV) member, the president must email the Rector for hiring approval. In positions not involving prohibited employment, relationship by family or marriage shall constitute neither an advantage nor a restriction from employment by James Madison University, provided the individual meets and fulfills the university's employment qualifications. If the applicant has an individual related by family or marriage already employed by the university in the same college, or AVP's area, the applicant may only be offered a position with the explicit prior written approval from the dean or AVP. If the individual is related to the dean or AVP, the approval must come from the VP. If the individual is related to the VP, the approval must come from the president. If the individual is related to the president or a BOV member, approval must come from the Rector. Signing an approval form is appropriate only when the signatory believes that the relationship between the

current employee and the applicant will not disrupt, or in any way impede the operations of the college, area under the dean, AVP, or division.

6.3 Employment not requiring prior approval

An applicant who identifies an individual related by family or marriage currently employed by the university in another division, college, or AVP's area may be extended an offer without prior written approval, unless the applicant is related to a VP, in which case prior approval must come from the president. Applicants related to the president require the Rector's approval.

6.4 Other prohibited activities

An individual may not engage in activities with an individual related by family or marriage that fall within the parameters of the [Financial Procedures Manual Section 4205.390](#) Miscellaneous Payments to Individuals/Participant Payments. Examples of these prohibited activities include distribution of incentives, prizes, and recognition awards. For a full list of prohibited practices, see the Financial Procedures Manual Section referenced above.

7. RESPONSIBILITIES

It is the responsibility of the hiring authority to ensure that each applicant has disclosed their relationship by family or marriage to someone currently employed by the university or serving on the BOV. It is also the responsibility of the 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 dean or AVP to approve employment of an applicant who has a relationship by family or marriage to someone already employed by the university in the same college or AVP's area.

It is the responsibility of the appropriate VP to approve employment of an applicant who has a relationship by family or marriage to someone who is a dean or AVP within the division.

It is the responsibility of the president to approve employment of an applicant who has a relationship by family or marriage to someone who is a VP.

It is the responsibility of the rector to approve employment of an applicant who has a relationship by family or marriage to the president.

It is the responsibility of each applicant for employment to disclose a relationship by family or marriage with any current employee or member of the BOV of the university.

All departments, offices, and employees that generate, receive, or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) (Records Management).

8. SANCTIONS

An applicant who violates this policy by failing to disclose the identity of an employee or BOV member to whom they are related by family or marriage is subject to disciplinary action up to and including immediate termination. Any hiring authority who violates this policy by failing to obtain prior written approval to make an offer of employment to an individual who reveals the identity of an employee or BOV member to whom they are related by family or marriage is subject to sanctions. Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

This policy does not apply to employees whose positions are reorganized or otherwise placed into the same division as the position held by an individual related by family or marriage as long as the two employees were hired into different divisions originally. However, the prohibition against having an individual related by family or marriage serve as the supervisor or reviewer over another still applies.

This policy does not apply to employees who were already employed by the university as of May 1, 2002. However, the prohibition against having an individual related by family or marriage serve as the supervisor or reviewer over another still applies.

This policy does not apply to employees with a relationship by family or marriage to an individual appointed to the BOV after the employee was hired, or to employees with a relationship by family or marriage to an individual who is hired as president of the university after the employee was hired.

10. INTERPRETATION

The authority to interpret this policy rests with the president, and is generally delegated to the director of human resources.

Previous version: April 2014

Approved by the president: April 2002