

JACKSONVILLE STATE UNIVERSITY
Manual of Policies and Procedures

POLICY NUMBER: I:02:23

DATE: November 2007

REVISION/REVIEW DATES: Aug 2011, Mar 2014, Apr 2016

SUBJECT: Nepotism

APPROVED: John M. Beehler, President

PURPOSE

The purpose of this policy is to ensure that standards for new hires, evaluations, promotions, reappointments, terminations, and general employment decisions are based on experience, qualifications for the position, performance, ability, and other objective standards, and that the university avoids favoritism, the appearance of favoritism, discrimination, the appearance of impropriety, a hostile or uncomfortable work environment, or conflict of interest in all employment decisions.

POLICY

Jacksonville State University's Nepotism Policy operates in accordance with the State of Alabama's nepotism statute, Alabama Code, Section 41-1-5 (1975), mandating:

- a) No officer or employee of the state or of any state department, board, bureau, committee, commission, institution, corporation, authority or other agency of the state shall appoint, or enter a personal service contract with any person related to him within the fourth degree of affinity or consanguinity to any job, position or office of profit with the state or with any of its agencies.
- b) Any person within the fourth degree of affinity or consanguinity of the agency head or appointing authority, the appointing authority's designee, deputy director, assistant director, or associate director shall be ineligible to serve in any capacity with the state under authority of such an appointment, and any appointment so attempted shall be void. The provisions of this section shall not prohibit the continued employment of any person who is employed as a public employee as of August 1, 2013, nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements under the state Merit System for the employee.
- c) Any person within the fourth degree of affinity or consanguinity of a public employee shall not be the immediate supervisor for or in the chain of command of, or participate in the hiring, evaluation, reassignment, promotion, or discipline of, the public employee within any state department, board, bureau, committee, commission, institution, corporation, authority, or other agency of the state. However, this subsection shall not apply to an employee of a city or county board of education that is currently employed or to a future

employee hired into a non-supervisory position posted in accordance with Section 16-22-15, where his or her relative will not be the employee's immediate supervisor, and where the employee's relative made no recommendation, cast no vote, and otherwise had no involvement concerning the employee's hiring.

- d) Whoever violates this section is guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed one year, or both. A willful violation of this section shall subject the public employee and the person or persons within the fourth degree of affinity or consanguinity of the public employee to disciplinary action, up to and including separation from state service.

(Acts 1963, No. 588, p. 1285; Act 2013-242, §1.)

This statute applies to all Jacksonville State University employees and prohibits the permanent or temporary employment of an individual from the “immediate family” of a university employee who would have a “direct supervisory relationship” that may influence the “terms and conditions of employment” with the corresponding relative. JSU reserves the right to make corrective actions when conflicts of interest arise in violation of this policy.

Employees who need to self-disclose a nepotism relationship must contact the Department of Human Resources.

DEFINITIONS

- **Direct Supervisory Relationship** is defined by the direct influence on the terms and conditions of employment of a university employee.
- **Employment** means any appointment to the faculty or staff as a temporary, incidental, adjunct, student or regular employee.
- **Employee** means the university's faculty, staff and student employees.
- **Fourth Degree of Affinity:** two people are related by affinity if they are married to each other, or if one person is related by consanguinity to the other person's spouse.
- **Fourth Degree of Consanguinity:** two people are related to each other by consanguinity if one is a descendant of the other or if they share a common ancestor. An adopted child is considered to be a child of the adoptive parent for this purpose (*great-great-grandchild, grandniece, grandnephew, first cousin, great aunt, great uncle, or great-great-grandparent*).
- **Immediate Family** is defined to the fourth degree of affinity or consanguinity which includes spouses, children, parents, siblings, grandparents, grandchildren, aunts, uncles, first cousins, corresponding in-laws, step relatives, and any members of the university employee's household.
- **Terms and Conditions of Employment** include, but are not limited to, appointments, retention, promotions, salaries/wages, an employee's work responsibilities, schedule, career progress, performance evaluation, supervision/discipline of an employee, or other workplace factors.

RESPONSIBILITY

This policy is the responsibility of the Vice President for Finance and Administration.

EVALUATION

This policy will be evaluated biennially by the Department of Human Resources.