

Issued: February 2, 2017
Responsible Official: Vice President for Finance and Administration
Responsible Office: Human Resources

POLICIES

Policy Statement

It is the policy of Austin Peay State University that no employees of the University who are relatives be placed within the same direct line of supervision whereby one relative is responsible for supervising the job performance or work activities of another relative.

Purpose

The purpose of this policy is to establish the criteria and process for employment of relatives at the University.

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Definitions

Relative

Defined as "a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household". (T.C.A. § 8-31-102).

Procedures

General Statement

- A. State nepotism law is designed to prevent occurrences whereby relatives who are employees of the State are in a direct supervisory line with respect to each other. In order to guard against these practices the State prohibits governmental employees who are relatives from being placed within the same line of supervision where one relative is responsible for supervising the job performance or work activity of another relative.
- B. The provisions of this policy are not to be construed to limit the hiring, promotion, or employment opportunities of any particular group of applicants.

Employment of Relatives

- A. Effective July 1, 1980, no employees of the University who are relatives shall be placed within the same direct line of supervision whereby one relative is responsible for supervising the job performance or work activities of another relative; provided, however, that to the extent possible, this policy shall not be construed to prohibit two or more such relatives from working for the University.
- B. When employees of the University become in violation of Section A above as a result of marriage, the violation shall be resolved by means of transfer within the University, transfer to another University, or resignation as may be necessary to remove the violation.
 - 1. If transfer alternatives are available, the employees shall be given the opportunity to select among the available alternatives; provided that if the employees are unable to agree upon any such alternative within sixty days, the appointing authority shall take appropriate action to remove the violation.
- C. In the case of employment relationships which would otherwise violate section A above but which were in effect prior to July 1, 1980, the employment of the employees shall not be affected by this policy, provided that the University takes appropriate action to ensure that employees neither initiate nor participate in University decisions involving a direct benefit (retention, promotion, salary, leave, etc.) to a relative.
- D. The University shall apply the foregoing in a non-discriminating manner, and shall ensure that the implementation of this policy does not adversely affect

employees of one sex over those of the opposite sex.

Application

APSU policy on nepotism shall be applied as follows:

1. The nepotism policy applies to any person who is employed as a full, part-time, student or temporary employee by the University.
2. The nepotism policy does not apply to individuals hired prior to July 1, 1980, and shall not be retroactively applied; however, change in the status of employees hired prior to 1980 shall be governed by this policy.
3. The employment of relatives is permitted; however, no employee shall participate in the process of review, recommendation and/or decision making in any matter concerning hiring, opportunity, promotion, salary, retention, or termination of a relative as herein defined.
 - a. Pursuant to this provision, a relative may serve an administrative function within the University so long as the duties do not require or include participation in the process of review, recommendation and/or decision making in any matter concerning hiring, opportunity, activities, promotion, salary, retention or termination of a relative as defined by T.C.A. § 8-31-102.
 - b. An administrator shall not make employment decisions and/or recommendations which impact a relative individually; however, the policy does not prohibit an administrator who does not otherwise violate the nepotism policy, from making recommendations that pertain to all faculty and/or staff members at the University while he/she has a relative who is a faculty or staff member.
4. The nepotism policy shall not be used or considered in the granting of tenure.

Hiring

- A. In searching for qualified candidates for a new or vacated position persons responsible for recruitment shall evaluate each individual on his/her merits without consideration of their relationship to another employee.
- B. Prior to hiring any individual, the department wishing to hire the individual must conduct an analysis to assure compliance with state law.

Remedies

- A. The University may remedy any violation of this policy by voluntary transfer, or if an agreement cannot be reached, by

involuntary transfer, from a unit or position, or by termination when appropriate.

Revision Dates

APSU Policy 5:035 (previously 5:065) – Rev.: February 2, 2017
 APSU Policy 5:035 – Issued: December 8, 2009

Subject Areas:

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Approved

President: signature on file