

MIDDLE TENNESSEE STATE UNIVERSITY

POLICIES AND PROCEDURES MANUAL

POLICY NO. IV:07:01

DATE: January 1, 1989

SUPERSEDES POLICY NO.: IV:07:01

DATED: January 5, 1981

SUBJECT: Nepotism

APPROVED: Sam H. Ingram, President \_\_\_\_\_

I. General Statement

The 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.

Under Tennessee Code Annotated 8-31-102, a relative is 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."

The provisions of this policy are not to be construed to limit the hiring, promotion, or employment opportunities of any particular group of applicants.

II. Application

The policy shall be applied as follows:

1. The nepotism policy applies to any person who is employed as a full-time, part-time, student, regular, or temporary employee.
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.

Pursuant to this provision, a relative may serve an administrative function within the same institution, school, or unit 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 relatives as defined by T.C.A. 8-31-102.

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 an institution 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.

### III. Hiring

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. Prior to hiring any individual, the department wishing to hire the individual must conduct an analysis to assure compliance with state law.

### IV. Remedies

The institution 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.