

Title: Policy on Nepotism and Fraternization

Section 1. General

- 1.1. Scope: This policy sets forth how the employment of relatives or individuals residing in the same residence will be addressed. This policy also sets forth how certain relationships will be addressed by the University.
- 1.2. Authority: W. Va. Code §18B-1-6; W. Va. Code §158-6-3
- 1.3. Application: This policy shall be applicable to all university faculty, students and staff.
- 1.4. Effective Date: (Insert date after thirty-day comment period.)

Section 2. Definitions

- 2.1. Consensual Relationship. Any relationship, either past or present, which is romantic, physically or intimately, or sexual in nature, and to which the parties consent or consented.
- 2.1. Fraternization. Any romantic or sexual relationship between employees, or between an employee and a supervisor or subordinate or an employee and a student. This includes any conduct or behavior that may create the appearance of a conflict of interest or favoritism.
- 2.2. Nepotism. Favoritism shown or patronage granted in employment or working conditions by a public official or public employee to a relative or person with whom the public official or public employee resides.
- 2.3. Relative. Any person who is related to, who resides with, or has an intimate relationship with a WVSU employee. Generally, relatives include those who are related by blood, law, or marriage as a spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law or first cousin.
- 2.4. Supervise or Supervision. Reviewing, auditing or evaluating work, or taking part in discussions or making recommendations concerning employment, assignments, compensation, bonuses, benefits, discipline, or related matters.
- 2.5. University Community. University students, employees, faculty and staff.

Section 3. Employment of Relatives; Non-Nepotism.

3.1. Nepotism is prohibited by the university. University employees must minister the employment and working conditions of a relative of the university faculty or staff member or a person with whom the university employee resides in an impartial manner.

3.1.a. A university employee may not interpret policy and procedures or make work-related decisions regarding hiring, promotion, salary compensation level, job assignment, performance evaluation, discipline, termination, or any other issues affecting the employment and working conditions of their relative or a person with whom he or she resides;

3.1.b. A university employee may not directly supervise a relative or a person with whom he or she resides;

3.2. A university employee may not vote on matters affecting the employment or working conditions of a relative or person with whom the employee resides. For a university employee's recusal to be effective, he or she must excuse themselves from the room participating in the discussion and decision-making process by physically removing himself or herself from the room during the period in which the matter is under consideration, fully disclosing their interests, and recusing themselves from voting on the issue. This provision shall not be applicable if the vote affects five or more employees.

Section 4. Non-Fraternization

4.1. The University endeavors to maintain a balance towards regulating appropriate professional workplace behavior and faculty, staff, and student's rights of privacy outside the workplace and educational setting.

4.1.a. When workplace relationships have legal implications and/or impacts overall conditions of employment at the University, (i.e. favoritism, issues of inequity and fairness) such relationships shall be deemed inappropriate and prohibited. Any and all workplace relationships are subject to the policies and rules and regulations of the State of West Virginia, Higher Education Policy Commission, and West Virginia State University. Relationships may be defined as faculty/staff to student, student to faculty/staff, and faculty/staff to faculty/staff.

4.1.b. When romantic and intimate relationships develop between members of the University Community the relationship must be reported as outlined in this policy.

4.1.c In order to protect employees, subordinates and students and to assure that supervision, evaluation, grading, mentoring are conducted fairly, employees are prohibited from entering into romantic, sexual, or other relationships that might create the perception of bias with a student or employee whom the employee supervises, evaluates, grades, or otherwise mentors. In practical terms, this prohibition means employees may not have romantic relationships with students or employees they supervise, with students enrolled in their courses or for whom they oversee research or dissertations, or with students who are members of athletic teams coached by

the employee. All relations between faculty and students and staff and students must be reported as outlined in this policy.

4.1.d. Faculty and staff who fail to report workplace relationships, are subject to disciplinary action, up to and including termination.

Section 5. Reporting of Relationships.

5.1. Consensual Relationships Between Members of the University Community.

5.1.a. If members of the University community engage in a consensual relationship involving: (i) persons in inherently unequal and closely related positions at the University; (ii) employees within the same reporting line; or (iii) where one individual has influence or control over another, including those between supervisors and supervisees, the individuals involved in the consensual relationship shall notify their immediate supervisor.

5.1.a.1. The supervisor shall always notify the Assistant Vice President of Human Resources, when staff is involved, along with the Provost's Office when Faculty is involved and the Assistant Vice President of Enrollment Management and Student Affairs when students are involved of the reported consensual relationship.

5.1.a.2. In consultation with the Assistant Vice President of Human Resources and the Provost's office, as appropriate, the supervisor shall develop a plan to eliminate or to mitigate any conflict of interest, disruption, or other legitimate occupational or educational interest.

5.1. a.3. However, if no suitable way to eliminate or mitigate the conflict is reasonably feasible, one or both individuals may be separated from employment at the University.

5.1. a.4. Those involved in these types of consensual relationships must remain aware that such relationships could lead to circumstances that result in harassment, sexual misconduct, or domestic misconduct. Additionally, others may perceive a person involved in the consensual relationship as receiving favorable treatment in employment or educational decisions.

5.1. a.5. Failing to disclose a consensual relationship or not complying with arrangements that have been made is prohibited and may result in disciplinary action up to and including termination.

5.2. Pre-existing Relationships.

5.2.a. Those involved in pre-existing consensual relationships must remain aware that such relationships could lead to circumstances that result in harassment, sexual misconduct, or domestic misconduct. Additionally, others may perceive a person involved in the pre-existing consensual relationship as receiving favorable treatment in employment or educational decisions.

5.2.b. Failing to disclose a pre-existing consensual relationship or not complying with established work plans may result in disciplinary action up to and including termination.

5.2.c. Pre-existing Relationships Involving Students.

5.2. c.1. Members of the University Community are prohibited from or attempting to initiate, pursue, or engage in a relationship (consensual or non-consensual) with a student whom the individual evaluates, supervises, instructs, advises, coaches or otherwise has authority or control over.

5.2. c.2. Where there is a pre-existing consensual relationship with a student, the individual shall notify their immediate supervisor. The supervisor shall notify the Assistant Vice President of Human Resources and the Provost's Office when faculty is involved of the reported consensual relationship.

5.2. c.3. In consultation with the Assistant Vice President of Human Resources and the Provost's office, as appropriate, the supervisor shall develop a plan to eliminate or to mitigate any conflict of interest, disruption, or other legitimate occupational or educational interest.

5.2. c.4. However, if no suitable way to eliminate or mitigate the conflict is reasonably feasible, the employee may be separated from employment at the University.

5.2.d. Pre-existing Relationships Involving faculty and staff.

5.2. d.1. Where there is a pre-existing consensual relationship between faculty and staff, the individuals shall notify their immediate supervisor. The supervisor shall notify the Assistant Vice President of Human Resources and the Provost's Office when faculty is involved.

5.2. d.2. In consultation with the Assistant Vice President of Human Resources and the Provost's office, as appropriate, the supervisor shall develop a plan to eliminate or to mitigate any conflict of interest, disruption, or other legitimate occupational or educational interest.

Policy History: Passed by BOG on

*Cabinet Position and Department: Senior Vice President for Strategic Finance, Operations, ^
Chief Innovation Officer; Human Resources.*