



Eastern Kentucky University

Policy and Regulation Library

Human Resources Regulation: 8.3.2HRR

Responsible Office(s): Office of Human Resources

Effective: June 17, 2021

Next Review Date: Summer 2026

Human Resources Regulation: 8.3.2HRR Nepotism and Amorous Relationships

Statement

Eastern Kentucky University is committed to providing and maintaining an environment that is fulfilling and equitable for all members of the University community and, to that end, prohibits Nepotism. All relationships between Faculty, Staff, Students, volunteers, and contractors must be based on integrity, respect, and trust. No Hiring Official shall make recommendations or in any way participate in the decision of any matter which may directly affect the appointment, tenure, promotion, salary, or other employment status or interest of an individual with whom they have a Familial Relationship or Amorous Relationship. Members of the Board of Regents should not recommend for employment at Eastern Kentucky University individuals with whom they have a Familial Relationship or Amorous Relationship.

Further, Employees should not be appointed to, transferred to, or otherwise hold a position in which they have an Evaluative Relationship with an individual with whom they have a Familial Relationship or Amorous Relationship. Situations of this nature must be reported in writing to the immediate or, if necessary, next higher level Supervisor and an approved plan must be established to sever the Evaluative Relationship between two individuals who are in a Familial Relationship or Amorous Relationship.

Nothing in this Policy should be construed as prohibiting the spouse of an ECU Faculty member, Staff member, or Student from enrolling as a Student or accepting employment as a Faculty or Staff member.

Entities Affected

All University Employees, Students, and Regents of the Board

Procedures

To maintain an environment in which learning, discovery, and engagement take place in a professional atmosphere of mutual respect and trust, Eastern Kentucky University abides by the following procedures.

I. Nepotism in the Employment Context

Selection, promotion, salary, and other decisions pertaining to employment of Staff and Faculty shall be made without regard to the relationship of one Employee of the University to another Employee or prospective Employee. Supervisors and administrators shall consider each individual upon their merit. Accordingly, no Hiring Official shall make recommendations or in any way participate in the decision of any matter which may directly affect the appointment, tenure, promotion, salary, or other employment status or interest of an individual with whom they have a Familial Relationship or Amorous Relationship.

Persons in a Familial Relationship or Amorous Relationship may work in the same department with approval of the appropriate Vice President; however, in no situation shall an Employee have an Evaluative Relationship with a person with whom they have such a relationship.

II. Amorous Relationships within the University Community

Due to the inherent power differential between certain members of the University community, it is important that Faculty, Staff and other Employees recognize and respect the ethical and professional boundaries that must be maintained in relationships with Students and supervisees. Implementation by the University of the following provisions is essential to safeguarding the welfare of individuals in subordinate positions:

1. Students

Because of the inherent differential in authority and the potential for abuse or the appearance of abuse, the University prohibits any Faculty member or other Employee of the University from engaging in or pursuing an Amorous Relationship with any Student at the University with whom the Employee has an Evaluative Relationship. A Faculty member or other Employee who has had a past or preexisting Amorous Relationship with a Student is also prohibited from engaging in an Evaluative Relationship with that Student or accessing that Student's educational records. Under no circumstances may a University Employee engage in or pursue an Amorous Relationship with a minor Student, or as otherwise prohibited by state law.

The University also prohibits all Students from engaging in or seeking to engage in an Amorous Relationship with another Student with whom they have an Evaluative Relationship.

2. Employees

Subject to the mitigation provisions outlined in Section III, the University prohibits Amorous Relationships between Supervisors and subordinates where there is an Evaluative Relationship between the parties. Vice Presidents, Provosts, Deans, and other Supervisors are responsible for ensuring that no Evaluative Relationship exists between colleagues engaged in an Amorous Relationship within the same college, department, or unit, which may include the establishment of an approved plan to sever the Evaluative Relationship between two individuals who are in an Amorous Relationship.

III. Required Disclosure of Familial Relationships and Amorous Relationships

All Employees have the responsibility to disclose in writing to their immediate or, if necessary, next higher level Supervisor any Familial Relationship or Amorous Relationship that may be construed as a conflict of interest.

1. Students

The University has determined that there is an inherent conflict of interest when a Faculty member or other Employee simultaneously maintains both an Evaluative Relationship and a Familial Relationship or Amorous Relationship with a Student. Therefore, the University prohibits simultaneous participation in both roles. If a conflict exists, it is the responsibility of the Faculty member or other Employee to disclose in writing to their immediate or, if necessary, next higher level Supervisor and take immediate steps to resolve the conflict the relationship creates.

2. Employees

Any Employee who, on or after the effective date of this Policy, is involved in a Familial Relationship or Amorous Relationship with an individual with whom they have an Evaluative Relationship must immediately disclose in writing the existence of such to their immediate Supervisor (e.g., Chair, Director, Dean, Vice President) or, if necessary, the next higher level Supervisor. Such disclosure must also request a resolution to the conflict of interest the relationship creates, which may include the establishment of an approved plan to sever the Evaluative Relationship between the two individuals.

Definitions

- **Amorous Relationship:** An amorous relationship exists when two individuals mutually and consensually understand the relationship to be romantic and/or sexual in nature.
- **Employee:** An individual employed by the University.
- **Evaluative Relationship:** Any person with actual or constructive authority over a Student or Employee. This includes but is not limited to the following employment and/or educational activities:
 - Supervision and/or scheduling;
 - Teaching, grading, advising, or conducting research or engaging in other academic activity; coaching and/or training; award/scholarship recognition;
 - Grant writing/decisions; performance evaluations; employment decisions; and/or,
 - Membership/participation; special or detrimental consideration or treatment.
- **Faculty:** All those charged with academic instruction and others who have a role in educating, supervising, or advising Students in University programs and disciplines.
- **Familial Relationship:** A familial relationship exists when two individuals are connected by blood, adoption, marriage, or domestic relationship to the following degrees: parent, child, sibling, uncle, aunt, niece, nephew, first cousin, grandparent, grandchild, spouse, Sponsored Dependent, step-parent, step-child, step-sibling, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.
- **Hiring Official:** An Employee who has the authority to participate in the decision-making process with regard to the appointment, tenure, promotion, salary, or other employment status or interest of another individual.
- **Nepotism:** The supervision or influence over an Employee by another Employee with whom they have a Familial Relationship or Amorous Relationship.
- **Sponsored Dependent:** An individual who shares primary residence with a benefit eligible Employee and has lived with the Employee at least twelve months prior to effective date of coverage, is at least the age of majority, is not a relative and is not employed by the Employee.
- **Staff:** All Employees of the University who are not otherwise considered Faculty.
- **Students:** For purposes of this Policy, all those enrolled in any course, program of study, or discipline.
- **Supervisor:** Anyone who has an Evaluative Relationship over Faculty, Staff, Students, volunteers, and/or contractors.
- **University:** Eastern Kentucky University.

Responsibilities

- The University will seek to ensure the employment and educational environment is fulfilling and equitable by requiring, through this Policy and its implementation, all relationships between Faculty, Staff, Students, volunteers, and contractors be based on integrity, respect, and trust.
- Hiring Officials will avoid making recommendations or participating in the decision of any matter which may directly affect the appointment, tenure, promotion, salary, or other employment status or interest of an individual with whom they have a Familial Relationship or Amorous Relationship.
- Supervisors:
 - Report in writing to their immediate or, if necessary, next higher level Supervisor any Familial Relationship or Amorous Relationship that they are in with an individual with whom they have or will have an Evaluative Relationship with at the University.
 - Ensure that an approved plan is established to sever the Evaluative Relationship between two individuals who are in a Familial Relationship or Amorous Relationship. Such plan should be developed in collaboration with your Human Resources Business Partner and should consider:
 - The University functions of the individuals who are in a Familial Relationship or Amorous Relationship;
 - Relocating one or both individuals who are in a Familial Relationship or Amorous Relationship or, alternatively, enlisting the assistance of a third party in resolving the conflict of interest;
 - Placing one or both individuals who are in a Familial Relationship or Amorous Relationship on administrative leave, with or without pay, until a suitable option is available to address the conflict of interest;
 - Whether, to address the conflict of interest, it may be necessary to separate one or both Employees from their employment with the University; and/or,
 - Other reasonable action(s) that the Supervisor determines may resolve the conflict of interest.
- Members of the Board of Regents should not recommend for employment at Eastern Kentucky University individuals with whom they have a Familial Relationship or Amorous Relationship.

Violations of the Policy

Any Employee who violates this Policy may be subject to disciplinary action, up to and including separation from the University. Any discipline taken shall be in accordance with Policy 8.3.4, Employee Conduct.

Any Student, who is not otherwise considered an Employee, who violates this Policy may be subject to disciplinary action. Any discipline taken shall be in accordance with the Student Code of Conduct established in the Student Handbook.

Regulation Adoption Review and Approval

Regulation Revised

| <u>Date</u> | <u>Entity</u> | <u>Action</u> |
|---------------|------------------|---------------------|
| June 17, 2021 | Board of Regents | Adopted |
| June 16, 2011 | | Editorial Revisions |

Regulation Issued

| <u>Date</u> | <u>Entity</u> | <u>Action</u> |
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| August 1, 2002 Handbook | Board of Regents | Approved as Part of Staff |