

# SJSU Research Foundation Nepotism Policy

## Human Resources

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### 1.0 Purpose

SJSU Research Foundation (Research Foundation) has established hiring guidelines to ensure that the most qualified candidates are sought, hired, and retained through appropriate search and staffing procedures and practices. This policy sets forth the directives and guidance regarding nepotism issues for the Research Foundation, and in accordance with, where applicable, the California State University's Nepotism Policy Memorandum (HR 2004-18).

Pursuant to this policy, it shall not be a bar to employment with the Research Foundation that an applicant or employee's family member is also employed by the Research Foundation in the same or different units or departments as long as:

- The employment will not create an actual or perceived conflict of interest.
- The family member will not vote, make recommendations, or in any way participate in any personnel matter which may directly affect the selection, appointment, evaluation, retention, compensation, termination, or other employment related matter or interest of his or her family member(s).

### 2.0 Responsibility

All employees of the Research Foundation are required to comply with this policy. The senior director of Research Foundation Human Resources or his or her designee is responsible for investigating and resolving concerns regarding conflicts of interest or favoritism that involve members of the same family. In instances where concerns or complaints involve Human Resources department staff, those concerns or complaints may be directed to the executive director of the organization or his or her designee.

### 3.0 Scope

This policy applies to all employees of the Research Foundation. This policy applies to all instances involving any personnel matter which may directly affect the selection, appointment, evaluation, retention, tenure, compensation, promotion, termination, other employment-related matter or interest of a family member as defined in this policy.

### 4.0 Definitions

This table provides definitions for special terms, acronyms, and abbreviations used in this policy.

Term, Acronym, or Abbreviation	Description
Nepotism	Defined as favoritism shown to relatives by individuals in a position of authority.
Family Member	<p>For the purposes of this policy, “family member” is defined as a close relative including: parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew, niece, first cousin, spouse, registered domestic partner, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, and by guardianship and/or adoption of a person residing in the immediate household, or any other member of the household (without regard to marital status) except live-in household employees or roomers.</p> <p>Relatives of domestic partners shall be treated as relatives of spouses.</p> <p>“Dating” or other personal/romantic relationship issues between employees are subject to and covered by this policy and will be addressed on a case-by case basis in accordance with this policy.</p>

## 5.0 Policy

Nepotism in the workplace occurs when an employee in a supervisory or managerial position with an employer favors their relatives working for the same employer in making employment decisions on the basis of kinship, because they are a family member or a close friend of the person in position or power, without giving due consideration to their qualifications or merit.

In order to reduce the potential for such favoritism, it is the Research Foundation’s policy that such employment relationship will not create an actual or perceived conflict of interest. Additionally, No Research Foundation employee will vote, make recommendations, or in any way participate in any personnel matter which may directly affect the selection, appointment, evaluation, retention, compensation, termination, or other employment related matter or interest of his/her family member(s).

The Research Foundation believes this policy will help to ensure that an employee’s family members will receive appropriate and unbiased consideration for selection, appointment, evaluation, retention, tenure, compensation, promotion, termination, other employment matter or interest with the Research Foundation where the potential of supervision, safety, security, morale issues or conflicts of interest may exist due to a family member relationship. The Research Foundation further believes this policy will help to ensure no Research Foundation employee will be permitted to directly supervise, evaluate, appraise, assess, promote or discipline his or her relative(s).

The Research Foundation reserves the right to determine that other relationships not specifically covered by this policy represent potential conflicts of interest as well.

A change in the employee relationship may occur through marriage, adoption, or other circumstances not specifically addressed here, that will cause relatives to become employed in the same department or under supervision. This policy makes it mandatory for the Research Foundation employee to be responsible for notifying their department

manager, functional director, and/or the senior Human Resources director or his or her designee if and when their employee relationship changes.

If an organizational unit head or Human Resources determines that an actual or a potential conflict exists, Human Resources, in consultation with the executive director or other senior administrators, will consider and may change an employee's work area, department, shift, or reporting structure, exercising best efforts to remove any conflict of interest consistent with its business needs. If accommodations of this nature are not feasible or in the best interests of the Research Foundation, the affected employee(s) employment may be terminated. Should this occur, the affected employees will be permitted to determine which of them will resign. In some cases, based on the circumstances involved, it may be necessary to terminate both employees. All situations will be evaluated on a case-by-case basis.

In all instances involving any personnel matter which may directly affect the selection, appointment, evaluation, retention, tenure, compensation, promotion, termination, other employment matter or interest of a family member as defined below, the senior director of Human Resources or his or her designee must be first consulted. In instances where an actual or a perceived conflict exists due to the nature of the relationships involved, written provisions must be prepared by the head of the organizational unit and forwarded to Human Resources for review and approval before an individual may be appointed, reviewed, evaluated, retained, compensated, promoted, or terminated.

In those cases where related employees will oversee the work of relatives, either directly or indirectly, a written action plan will be established which will list steps to be followed to alleviate any bias toward favoritism that could occur as a result of their family relationship. The senior director of Human Resources or his or her designee shall be responsible for investigating concerns regarding nepotism.

In all such instances, the Research Foundation employee will recuse himself or herself from participation in any aspect of the process where any decision is made with respect to the relative. The senior director of Human Resources or his or her designee will collaborate with other senior-level colleagues, including the executive director.

In instances involving financial transactions or duties, the Research Foundation's Conflicts of Interest policies are applicable. Special written provisions outlining sufficient internal controls over financial transactions or duties involving family members must be reviewed and approved by the executive director. A final decision will be made independently of any influence or input from the affected Research Foundation employees.

## 6.0 Related Policy Information

California's Fair Employment and Housing Act (FEHA), the California State agency responsible for ensuring that civil rights laws are enforced in California, requires employers to take all reasonable steps necessary to prevent unlawful harassment from occurring.

Consistent with applicable law, nothing noted in this policy can have the effect of denying equal employment opportunity to anyone involved.

## 7.0 Required Forms

This table contains a list of forms and special tools referenced in this document.

Form	Description of Use
Electronic or Hard Copy Memorandum	Employees are responsible for notifying their department manager, functional director, and/or the senior Human Resources director or his or her designee if and when their employee relationship changes.

## 8.0 References and Related Information

California State University's Nepotism Policy Memorandum HR 2004-18:

<http://www.sjsu.edu/hr/docs/wfp/policies/nepotism.pdf>

## 9.0 Record Retention

All documents and records are maintained in accordance with SJSU Research Foundation *Record Retention* requirements.

Record	Retention
<i>Nepotism Policy</i>	This document is effective until further revised or updated. Outdated or revised documents will be maintained in accordance with Research Foundation Record Retention requirements. The Research Foundation will maintain the signed original and electronic copies of the approved policy and all updates and replacements.