

PERSONNEL

Personnel

Nepotism (6.23)

PURPOSE

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. Under Tennessee Code Annotated 831102, a relative is defined as "a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster daughter-in-law, sister-in-law or other family member who resides in the same household."

POLICY

Tennessee State University prohibits the placement of employees within the same line of supervision where one relative is responsible for supervising the job performance or work activities of another relative. The Tennessee State University employment application shall serve as a mechanism whereby the University discerns kinship and ensures compliance.

PROCEDURE

Specifically, the University's policy on nepotism shall be applied as follows:

1. The nepotism policy shall apply to any person who is employed as a fulltime, part-time, student or temporary employee of the University.
2. The nepotism policy shall 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 the policy.
3. The employment of relatives shall be 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 Provision 3, a relative may serve an administrative function within the same institution as long as the duties do not require or include participation in the process of review, recommendation and/or decision making in any manner concerning hiring, opportunity, activities, promotion, salary, retention or termination of a relative as defined by T.C.A. 831102.

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 institution while the administrator 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.

5. In searching for qualified candidates for a new or vacated position, persons responsible for recruitment shall evaluate each applicant on merit and without consideration of relationship to another employee. Prior to hiring any individual, the Personnel Department shall review for compliance with the Nepotism policy.

6. Prospective applicants for employment who pose potential violation of the policy shall be requested to reapply for other vacant positions for which they qualify.

7. The University may remedy any violation of this policy by voluntary or involuntary transfer or by termination when appropriate.

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

REFERENCES

Tennessee Code Annotated 831102

Supersedes "Nepotism" Policy No. 5:08 in the University Wide Policy Manual