



Memorandum

To: Carmen Scholz
President, Faculty Senate

From: Robert A. Altenkirch 
President

Christine W. Curtis 
Provost and Executive Vice President for Academic Affairs

Subject: Response to Faculty Senate Revisions of the Nepotism Policy

Date: January 4, 2018

The changes recommended by the Faculty Senate are to streamline the language describing the possible conflicts of interests involving family members and to change the manner in which the conflicts of interests are resolved.

The streamlined language suggested by the Faculty Senate is employed in final version of the policy. An additional conflict of interest that involves all team sports and competitive activities is also included.

The recommendation of the Faculty Senate to use the Conflict of Interest process found in Appendix I of the Faculty Handbook is not included in the policy for two primary reasons. The first reason is that the scope of the Conflict of Interest policy is too narrow. The process contained therein applies to faculty in colleges, whereas the Nepotism policy applies university-wide and extends outside the university to members of thesis and dissertation committees who are not employed by the university.

The second reason is that The Board of Trustees of The University of Alabama at its meeting on November 3, 2017, passed Board Rule 108. Board Rule 108, which was presented to you at the October 2017 Faculty Senate meeting, states that there is to be consistency to the extent practicable among policies at the system's institutions:

Consistency among Policies. The Board of Trustees recognizes that campus policies may differ to reflect appropriate and legitimate differences in role and mission. However, each campus and the System Office should seek consistency to the extent practicable, consider the policies of its sister institutions during policy development, and shall work with the Office of Counsel in furtherance of this goals.

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Hence, UAH policies should be consistent to the extent practicable with those of our sister institutions in the system. The policies of both of our sister institutions require approval by the administration for any exceptions to the Nepotism policy. For these reasons, the Nepotism policy uses an administrative process to eliminate or mitigate the conflict of interest.

Thank you for your thoughtful recommendations regarding the Nepotism policy. The final version of the Nepotism policy is attached.

c: Laterrica Simons, Director of Compliance and Title IX Coordinator

Attachment: Nepotism Policy 02.01.55

Faculty Senate Revisions

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

NEPOTISM POLICY

Number 02.01.55

Division Academic Affairs and Human Resources

Date January 2016

Purpose To define clearly The University of Alabama in Huntsville policy regarding the employment, evaluation, and educational experiences of family members of employees.

Policy The Board of Trustees of The University of Alabama, Rule 106 states that, "No appointing authority shall employ or appoint a person related to him or her within the fourth degree of affinity or consanguinity to any job or position within the University" without identifying the potential conflict of interest to appropriate officials. The University of Alabama in Huntsville permits the employment and education of family members of employees as long as such activities do not, in the judgement of the University, create actual or perceived conflicts of interest. For purposes of this policy, "family member" is defined as one's spouse or domestic partner, parents, grandparents, children, grandchildren, brothers, sisters, or corresponding in-law or "step" relationships, as well as any other members of one's household. Whenever a potential real or perceived conflict of interest exists or arises, the employee must notify her or his supervisor so that appropriate actions can be taken to mitigate the conflict.

Procedure **Regarding Employment and/or Supervision of Family Members**

The University permits the employment of qualified family members of existing employees in accordance with the following guidelines:

- Family members are permitted to work in the same University department, provided no direct reporting or supervisor to subordinate relationship exists. That is, no employee can report in "the chain of command" when one relative's work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by the other relative.

- Family members may have no influence over the wages, hours, benefits, career progress, or other terms and conditions of the other related staff members.
- Employees who marry while employed or who become part of the same household are treated in accordance with these guidelines. That is, if in the opinion of the University, a real or perceived conflict arises as a result of the relationship, the supervisor will work with the employees to develop appropriate safeguards to eliminate the conflict of interest.

Regarding Evaluation and Educational Experiences of Family Members

To avoid the appearance of favoritism that may result when students engage in formal educational experiences with family members and to ensure that students are treated fairly, certain procedures must be followed. Faculty members are required to report potential real or perceived conflicts of interest to their supervisor.

Conflicts of interest include:

- 1) Instruction of a family member, in a credit-bearing class, by a faculty member or by a teaching assistant
- 2) Supervision of research conducted by a family member
- 3) Service on the thesis or dissertation committee of a family member
- 4) Formal evaluation of a family member

~~*Credit bearing classes:* Faculty may not teach family members in their classes.~~

~~*Teaching assistants:* Students are not permitted to serve as a teaching assistant (TA) for a faculty family member's course. Students may not serve as a TA for classes in which a family member is a student.~~

~~*Research:* Faculty and research staff are not permitted to supervise directly or indirectly research conducted by a student family member. This restriction includes serving on the student's thesis or dissertation committee.~~

~~*Formal evaluations:* Faculty or staff may not be involved in any formal evaluation of a family member. This includes but is not limited to:~~

admissions; progress evaluations; honors or thesis committees; selection of the student for any departmental, college or university awards. A faculty member or other institutional official must recuse himself/herself from any discussion or vote relating to a matter where there is a potential for or the existence or appearance of a conflict of interest and will state publicly that there is a personal conflict.

Any such conflict of interest should be reported, as described in Appendix I in the Faculty Handbook, so that an appropriate plan of action can be developed to eliminate, mitigate or manage the conflict of interest.

~~Any exceptions to this policy must be approved by the cognizant vice president and the president of the University.~~

Review The Office of the Provost is responsible for the review of this policy every five years (or whenever circumstances require).

Approval

Chief University Counsel

Senior Vice President for Business and Finance

Provost and Executive Vice President for Academic Affairs

APPROVED:

President

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE
NEPOTISM POLICY

Number 02.01.55

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Date January 2018

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Procedure **Regarding Employment and/or Supervision of Family Members**

The University permits the employment of qualified family members of existing employees in accordance with the following guidelines:

- Family members are permitted to work in the same University department, provided no direct reporting or supervisor to subordinate relationship exists. That is, no employee can report in “the chain of command” when one relative’s work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by the other relative.
- Family members may have no influence over the wages, hours, benefits, career progress, or other terms and conditions of the other related staff members.

- Employees who marry while employed or who become part of the same household are treated in accordance with these guidelines. That is, if in the opinion of the University, a real or perceived conflict arises as a result of the relationship, the supervisor will work with the employees to develop appropriate safeguards to eliminate the conflict of interest.

Regarding Evaluation and Educational Experiences of Family Members

To avoid the appearance of favoritism that may result when students engage in formal educational experiences with family members and to ensure that students are treated fairly, certain procedures must be followed. Faculty and staff are required to report potential real or perceived conflicts of interest to their supervisor who must report it and the steps taken to eliminate or mitigate the conflict of interest through the appropriate administrative channels to the cognizant vice president.

Conflicts of interest include but are not limited to:

- 1) Instruction of a family member, in a credit-bearing course, by faculty, staff, or teaching assistant
- 2) Supervision of research directly or indirectly conducted by a family member by faculty or research staff
- 3) Supervision of a team or some other competitive activity directly or indirectly involving a family member by faculty or staff
- 4) Service on the thesis or dissertation committee of a family member by faculty, research staff, or affiliate/adjunct faculty or researcher
- 5) Formal evaluation of a family member by faculty or staff, teaching assistant, or affiliate/adjunct faculty member or researcher. This includes but is not limited to: admissions; progress evaluations; honors or thesis committees; selection of the student for any departmental, college or university awards. A faculty member or other institutional official must recuse himself/herself from any discussion or vote relating to a matter where there is a potential for or the existence or appearance of a conflict of interest and will state publicly that there is a personal conflict.

Any exceptions to this policy must be requested in writing to the cognizant vice president and must be approved by the cognizant vice president and the president of the University after consultation with legal counsel.

Review The Office of the Provost is responsible for the review of this policy every five years (or whenever circumstances require).

Approval

Chief University Counsel Date

Provost and Executive Vice President for Academic Affairs Date

Vice President for Administration and Finance Date

Vice President for Advancement Date

Vice President for Diversity Date

Vice President for Research and Economic Development Date

Vice President for Student Affairs Date

Director of Compliance and Title IX Coordinator; Campus Designee Date

APPROVED:

President Date