

Bergen Community College Board of Trustees

Section:

Policy #: HR 008-001.2023

Effective Date: March 7, 2023

**Responsible Official: Vice President
of Human Resources and
Organizational Development**

Nepotism and Personal Relationships

Policy Statement:

Bergen Community College is committed to appointing and promoting all College faculty, staff, and student employees based on job-related qualifications.

Nepotism is a prohibited conflict of interest that occurs when:

- a. a College member directly influences the College employment (e.g., hiring, promotion, supervision, evaluation, and determination of salary) or academic progress (e.g., grading and advising) of a College member with whom they have a personal relationship (e.g., a relative, romantic or business partner, or close personal friend); or
- b. personal relationships between College members have a negative impact on the College educational or work environment.

Reason for Policy:

To establish criteria for employment, appointment and promotion, of all College faculty, full-time and part-time staff and student employees; will be based on appropriate qualifications and performance. It is the intent of the College to avoid instances that could be influenced by the family relationship in the hiring, performance evaluation, promotion, reclassification, discipline, grievance or dismissal process. The intent of College is to also to avoid instances where the employee or an immediate family of the employee has a direct or indirect interest that might be reasonably expected to impair the employee's objectivity or independence of judgment.

Who Should Read This Policy:

- All faculty and staff members including student employees

Definitions:

College Community Member: Any employee, student, or other individual engaged in any College activity or program.

College Employment - For purposes of this policy, College employment covers the work of the following individuals for the College: All individuals defined as employees by Board of Trustees' Policy, including:

- a. faculty;
- b. academic professionals;
- c. academic administrators;
- d. professionals in training (including postdoctoral associates);
- e. civil service staff;
- f. union-represented staff;
- g. graduate assistants;
- h. student employees;
- i. fellows;
- j. temporary employees; and,
- k. interns.

Family Member - Spouse, domestic partner, mother, father, sister, brother, biological, adopted, or foster child, step-child, legal ward, grandparent, grandchild, first cousin, aunt, uncle, niece, nephew, parents-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent-in-law, grandchild-in-law, or corresponding step-relatives, or corresponding relatives of the employee, or other persons for whom the employee is legally responsible for, and anyone who stood in loco parentis to the employee.

Nepotism - Favoritism applied, without regard to merit, through authority or influence by someone in a position of power, toward family members or others for whom the employee or Trustee is legally responsible. Favoritism is shown by giving preferential treatment in any employment action to family members and others as defined in this policy. The following are examples of nepotism:

- a. when an employee directly supervises an individual with whom the employee has a personal relationship;
- b. when an instructor grades the work of an individual with whom the instructor has a personal relationship;
- c. when an employee makes or influences a hiring decision for an individual with whom the employee has a personal relationship;
- d. when a faculty member votes on the promotion or tenure of an individual with whom the faculty member has a personal relationship;
- e. when an employee favors an individual with whom the employee has a personal relationship by prioritizing, funding, or allocating resources to the individual's work areas or assignments;
- f. when colleagues in a romantic relationship engage in repeated public displays of affection toward one another, or engage in conflict related to their romantic relationship with one another, in the workplace and this conduct has a substantial negative impact on the educational or work environment for other College members;
- g. granting unwarranted benefits or treatment, and taking or withholding official action in order to affect a matter in which the employee or the employee's family member has a personal or financial interest
- h. A non-competitive appointment of a spouse or partner of another employee that is otherwise authorized by College policy or procedures does not constitute nepotism under this policy. However, once the spouse or partner begins work at the College, the actions and interactions of the spouses or partners are subject to this policy and the College's Policy regarding Personal Relationships.

Personal Relationship - A personal relationship includes the following: marital or other committed relationship; significant familial relationship, including relationships by blood, adoption, marriage, or domestic partnership; a family member including a partner, parent, grandparent, child, sibling, first cousin, uncle, aunt, nephew, niece, spouse, brother- or sister-in-law, father- or mother-in-law, son- or daughter-in-law, step-parent or step-child; consensual sexual or romantic relationship; a close personal friendship; or a significant business relationship.

Responsible Administrator - The supervisor(s) of the parties to a nepotism situation, or the supervisor(s)'s designee.

Senior Administrator(s) - The vice president(s), executive director(s), dean(s), associate vice president(s), director(s) or manager(s) who oversee the unit(s) in which the parties work.

The Policy:

All selection of personnel will be based solely on job-related qualifications to avoid the potential for problems of favoritism, conflicts in loyalty, discrimination, and appearances of impropriety or conflict of interest. Family members of employees may be employed as long as a family member is not directly or indirectly responsible for or influences any employment action.

This policy applies to instances of nepotism that existed before the enactment of this policy. Any existing relationships or situations must be disclosed immediately, evaluated, and managed as provided in this policy.

Procedure:

A. NON-STUDENT RELATIVES

- 1) Employees and Trustees are required to self-disclose to the Vice President of Human Resources and Organizational Development, if any family member, business associate or close friend applies for a position for which they will be responsible or may influence the employment actions referred to in this policy or experience any changes in their personal situations, which may be covered under this policy. (See, BCC Policy Form, *Disclosure of Family Member/Application for Employment*; see also, *Declaration of Familial Relationships and Nepotism Waiver*).
- 2) Internal and external applicants are required to self-disclose, to the Vice President of Human Resources and Organizational Development, at the time of application, if they are related to any current Bergen Community College employees or Trustees and specifically, if the position for which they are applying reports to or supervises a family member. (See, BCC Policy Form, *Disclosure of Family Member/Application for Employment*; see also, *Declaration of Familial Relationships and Nepotism Waiver*).
- 3) When a conflict of interest cannot be eliminated through alternative arrangements, the hire will not be forwarded as a recommendation to the President.
- 4) In the case when two employees in a supervisor/subordinate or other influential employment relationship get married, join in a civil union or domestic partnership, the one with the shorter length of service will be required to transfer or resign within 60 days unless the other does so voluntarily. If not, the

employee may be terminated. (See, BCC Policy Form, *Employee Assignment to Position Under Supervision or Control of Family Member*).

- 5) All instances of change in personal relationships, as it relates to this policy, must be reported by the involved parties to the Vice President of Human Resources Organizational Development. (See, BCC Policy Form, *Employee Assignment to Position Under Supervision or Control of Family Member*).
- 6) In all instances of possible nepotism, decisions will be referred to the President for final approval of employment or assignment. (See, BCC Policy Form, *Declaration of Familial Relationships and Nepotism Waiver*).

B. STUDENT RELATIVES

- 1) All instructional staff have authority in the classroom and are in a position of power. The intent of this policy, as prescribed above regarding relatives, also applies to academic actions. No instructional employees (full-time faculty, Adjunct Instructors, Continuing Education Instructors, Staff members) shall accept a student relative into their class or influence any academic actions of relatives.
- 2) In the case of a student relative, it is the employee's responsibility to avoid having the student register for the employee's class. If for any reason, a student is registered for a related employee's class, the employee must report the situation to the Vice President of Human Resources and Organizational Development for referral to the appropriate Vice President and the President. Efforts will be made to place the student in another course section.
- 3) All instances of change in personal relationships, as it relates to this policy, must be reported to the Director of Human Resources. (See, *BCC Policy Form, Employee Assignment to Position Under Supervision or Control of Family Member*).
- 4) In all instances of possible nepotism, decisions will be referred to the President for final approval of student placement.

C. OBLIGATIONS OF RESPONSIBLE ADMINISTRATORS AND SENIOR ADMINISTRATORS TO RESPOND TO NEPOTISM SITUATIONS

A responsible administrator who becomes aware that a nepotism situation may exist must take effective responsive action as outlined below (but note that this is not an exhaustive list):

- 1) Determine whether a nepotism situation exists, typically through consultation with the parties in the personal relationship, the parties' supervisors, and/or others who have an interest in the parties' work. If not, no further action is needed under this policy.
- 2) Possible Actions to Eliminate or Effectively Mitigate a Nepotism Situation

- i. When a nepotism situation arises, the College has strong interests in both
 - 1) preventing and eliminating conflicts of interest between College members' personal relationships and College roles, and 2) continuing to provide access to education and employment to College members in a personal relationship to the extent possible.
 - ii. In many cases, a nepotism situation can be eliminated or effectively mitigated by restructuring the conditions of the employment or academic association of the parties in a personal relationship, or by taking other effective actions. For example, this could involve removing the hiring or other employment decision-making authority from one of the parties, reassigning the job responsibilities of one or both parties, or changing a party's advisor or class assignment. In cases where the parties are likely to continue to interact with one another in their College roles, changes made to eliminate or effectively mitigate a nepotism situation must be memorialized in a management plan.
- 3) A management plan must include, at a minimum, the following elements:
- i. an explanation of the parties' employment or academic roles and how they interact with one another;
 - ii. a description of any changes to either party's job responsibilities that are made to eliminate or effectively mitigate the nepotism situation;
 - iii. in situations where one party has supervisory or oversight duties over the other, the designation of an individual or individuals who will assume these supervisory or oversight duties in order to eliminate or effectively mitigate the nepotism situation;
 - iv. an agreement by the parties to make best efforts to avoid conflicts that impact the work or academic environment;
 - v. the designation of an individual to monitor and oversee the management plan;
 - vi. notice that a responsible administrator or their designee will develop a communication plan as needed to share information about the nepotism situation with those who need to know; and
 - vii. signatures of the individuals in a personal relationship, the individual designated to monitor and oversee the management plan, the responsible administrator, and others as appropriate.
- 4) Actions taken to eliminate or effectively mitigate the nepotism situation should not unreasonably disadvantage either individual in the personal relationship. In addition, particular consideration should be given to protect and not

unreasonably disadvantage College members who hold subordinate positions compared to the individual with whom they are in a personal relationship.

D. ADDITIONAL RESPONSIVE ACTIONS IN NEPOTISM SITUATIONS INVOLVING ROMANTIC OR SEXUAL RELATIONSHIPS

Because nepotism situations involving a romantic or sexual relationship between parties in the workplace or academic environment could in some situations lead to concerns of sexual harassment, such parties to a nepotism situation should be reminded of their obligations and rights under College Policies regarding *Sexual Harassment*.

E. RESPONSIBILITIES OF COLLEGE ADMINISTRATORS/STAFF MEMBERS

- 1) **Retaliation Human Resources Professionals (e.g., HR Leads and Office of Human Resources representatives)** - Provide consultation and support to the responsible administrator. May serve as the designee of the responsible administrator.
- 2) **Office of Equal Opportunity and Affirmative Action** - Provide consultation. May serve as the designee of the responsible administrator in particularly complex nepotism situations.
- 3) **Responsible Administrator** - Receive reports of nepotism situations. Respond to nepotism situations by eliminating the nepotism situation or effectively mitigating the nepotism situation in ways that allow both parties in the personal relationship to remain in their current College positions. If this is not possible, forward the matter to the senior administrator to determine whether to grant an exception to this policy. Draft and monitor management plans as appropriate.
- 4) **Senior Administrator** - Where a nepotism situation cannot be eliminated or effectively mitigated, determine whether to grant an exception to this policy.
- 5) **College Community Member** - Report nepotism situations to the appropriate responsible administrator. Parties to a nepotism situation should additionally take appropriate steps to eliminate or effectively mitigate the prohibited or potential conflict of interest caused by their personal relationship.

F. RETALIATION

No member of the College community may retaliate against an individual:

- 1) because of the individual's good faith reporting or otherwise expressing opposition to, suspected or alleged misconduct;
- 2) for participating in any process designed to review or investigate suspected or alleged misconduct or non-compliance with applicable policies, rules, and laws;
- 3) accessing the Department of Human Resources services;

- 4) a causal relationship between the good faith participation in one of these activities and an adverse action is needed to demonstrate that retaliation has occurred.
- 5) Retaliation Concerns
 - i. Individuals who believe that retaliation is occurring or has occurred, as a result of their good faith participation in one of the above referenced activities, should follow the reporting options available to them in College Policies regarding harassment and other misconduct in the workplace.
 - ii. Reports of retaliation will be reviewed and investigated in the same manner in which other concerns of misconduct are handled. Any College member who engages in retaliation may be subject to disciplinary action up to and including termination of employment or expulsion.

G. INTENTIONALLY FALSE REPORTS/INFORMATION

Individuals who knowingly or intentionally file a false report or provide false or misleading information in connection with an investigation may be subject to disciplinary action up to and including termination of employment, or expulsion.

H. Failure to Comply with this Policy

- 1) Failure to comply with this policy, including a failure of parties in a personal relationship to report a nepotism situation as required by this policy, may result in disciplinary action. When parties to a nepotism situation fail to participate in the processes described herein, the matter will be reported to the senior administrator and disciplinary action may be imposed.
- 2) Non-compliance with this Policy may also be reported to the Office of Equal Opportunity and Affirmative Action, and/or the Vice President of Human Resources and the President of the College.

Related Documents/Policies:

n/a

Policy History: (adopted/amended)

Adopted:

Amended:

Reviewed: