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## UNIVERSITY OF MIAMI POLICY AND PROCEDURE MANUAL

TITLE: Nepotism/Consensual Relationships

REFERENCE: N/A

CATEGORY: Human Resources

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SUPERSEDES:

*Nepotism/Consensual Relationships*  
dated October 4, 2016

APPROVER: Office of Human Resources

EFFECTIVE: July 1, 2018

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### PURPOSE:

The University of Miami ("University") values diversity, integrity, responsibility, excellence, compassion, creativity, and teamwork as beneficial for the workplace and academic learning environment of faculty, staff, and students. We are committed to maintaining a work environment free from nepotism, favoritism, and other possible conflicts of interest. Additionally, consensual amorous relationships have the potential to harm both the person and the institution directly and by creating the appearance of favoritism. Nepotism and consensual relationships can cast doubt on the objectivity of an employee's performance and contribute to tensions within the work environment. The purpose of this policy is to establish the guidelines which will avoid such situations arising, and manage them if they are allowed, to ensure that such personal and familial relationships do not negatively impact the University's mission or its reputation. This policy seeks to assure that each member of the University is treated with dignity and without regard to any factors that are not relevant to that person's work.

### SCOPE:

This policy applies to all employees of the University, including members of the Associated Faculty as defined in Section A2.1 of the Faculty Manual. The Associated Faculty are all faculty with authorized professional titles prefixed by "Voluntary," "Adjunct," "Visiting", or "Affiliated", Instructors, and all Lecturers.

University Faculty are governed by the nepotism, amorous relations, and sexual harassment policies in the Faculty Handbook section of the Faculty Manual, and in the case of an alleged violation, are subject to possible punishment, up to and including termination, under sections B4.9 and C15 of the Faculty Manual.

### POLICY:

It is the policy of the University that no person shall be employed, transferred, or promoted into a position in which a direct supervisory relationship would exist between family members or those involved in a consensual amorous relationship. As specified in greater detail below, staff are prohibited from hiring, evaluating, directly supervising, or otherwise influencing or attempting to

influence the employment terms or conditions of a family member or persons with whom they have a consensual amorous relationship (romantically involved). Moreover, staff are under an affirmative duty to disclose the existence of potential conflicts of interests arising from the employment of family members or as a result of a consensual amorous relationship. Such disclosure is necessary in order to afford an opportunity for review and resolution.

#### **DEFINITIONS:**

**“Conflict of interest”** occurs when an employee has a familial or consensual amorous relationship with a potential employee or existing employee where one party has direct influence over the other’s terms and conditions of employment, or when an employee exploits a relationship which could directly or indirectly benefit the employee financially or otherwise for personal gain.

**“Consensual amorous relationships”** exist when two individuals mutually and consensually understand a relationship to be romantic and/or sexual in nature except when those two individuals are married to each other or are registered domestic partners. For purposes of this policy, individuals in a consensual amorous relationship are referred to as “consensual partners.” This definition is consistent with the University’s *Sexual Misconduct* policy as it defines consent.

**“Department”** includes non-departmentalized schools, in which case the Dean serves the role of Department Head for the purposes of this policy.

**“Employee”** shall mean any individual employed in any capacity with the University, including part-time, temporary or casual employment.

**“Employment decisions”** shall refer to the full array of employment-related actions, such as hiring, supervision, promotion, compensation, scheduling, performance evaluation by supervisors, commenting on the performance of staff supervised by others for the purposes of influencing a performance evaluation, discipline, termination, and decisions involving any other recognizable term or condition of employment.

**“Nepotism”** is the practice of an employee with decision-making authority or influence to employ or confer favorable terms, conditions, and/or benefits of employment on family members.

**“Relative or closely-related family members”** shall refer to a familial or other close relationship, whether by blood, adoption, or marriage including but not limited to spouses, children or stepchildren, parents, step-parents, grandparents, brothers and sisters, half-brothers, half-sisters, step-brothers and step-sisters, grandchildren, uncles, aunts, nieces, nephews, cousins, in-laws (mother, father, sister, brother, son and daughter), foster relations of the above, and any persons residing in the immediate household.

**“Supervisor”** shall refer to an employee who supervises or manages another employee or otherwise acts in a decision-making capacity regarding the terms, conditions, or privileges of another person’s employment.

**“Subordinate”** shall mean an employee, including student(s) working in a work-study program, who reports to or under the authority of a supervisor.

## **PROCEDURE**

### **I. NEPOTISM**

#### **A. DISCLOSURE**

The University permits the employment of qualified related persons as long as such employment does not result in a staff member having direct or indirect responsibility for supervising a family member. It is the responsibility of staff to inform their supervisor and their assigned Human Resources representative in advance of any such conflict.

All disclosures shall be maintained in the employee's personnel file.

#### **B. IMPACT OF DISCLOSURE**

If a non-supervisory staff member currently works with a family member in the same department, or is indirectly supervised, by a family member, their supervisor(s) and department head must examine their employment decisions to determine if either staff member has used his or her decision-making authority or influence to employ or confer favorable terms, conditions, and/or benefits of employment on family members. In this situation, the supervisor(s) and department head may develop a management plan to ensure that the non-supervisory staff does not influence the employment terms or conditions of a family member.

### **II. CONSENSUAL AMOROUS RELATIONSHIPS**

#### **A. DISCLOSURE**

The University prohibits consensual amorous relationships between supervisors and subordinates (including undergraduate student employees), to prevent, eliminate, or mitigate impropriety. Staff, including non-supervisory staff who work in areas where there is frequent and direct interactions with students are also prohibited from consensual amorous relationships with undergraduate students, and may not have any supervisory or evaluative responsibilities with respect to graduate and professional students with whom they have a consensual relationship. Such work areas include, but are not limited to the following: Athletics, Student Affairs, Residence Life, Dining Services, etc. The prohibitions in this paragraph do not apply in the case of a marital relationship that existed before the student matriculated for which appropriate disclosure is required to ensure that there is not a real or perceived conflict. Any other exception requires the approval of the Provost.

Non-supervisory staff engaged in a consensual relationship with another staff member within the same department must disclose such relationship in writing as soon as practicable to their immediate supervisor.

#### **B. IMPACT OF DISCLOSURE**

In the instance of an otherwise permissible amorous relationship under this policy the supervisor in the case of a relationship with a student, or the supervisor(s) of both employees in the case of a relationship among staff members shall take steps to mitigate any undue influence in the academic endeavor or the business operations as a result of the consensual amorous relationship; and shall develop a management plan to be approved by their department head.

### **III. VIOLATIONS**

Allegations, reports, or other information relating to nepotism or unreported consensual relationships will be investigated by Human Resources. Violations of this policy include, but are not limited to, failing to disclose and/or attempting to conceal an applicable relationship; failing to disclose such a relationship during a recruitment process; failing to cooperate in a management plan; attempting to influence a personnel matter that would result in a violation of this policy or retaliation against anyone who in good faith reports the existence of an applicable relationship. Such violations shall be subject to disciplinary action, up to and including termination of employment.