



FGCU REGULATION 5.010

*Effective Date of
Regulation:*

Nepotism

January 14, 2020

A. GENERAL STATEMENT

Employment of related persons at the University is allowed where there is no direct supervisory responsibility between related persons and where the functions of their positions do not create a conflict of interest, or if there is a conflict of interest, there is a demonstrated critical shortage of qualified applicants.

B. DEFINITIONS

1. *Related Person:* For the purposes of this regulation only, with respect to a University employee, a “related person” means an individual who lives in the same residence as the employee or is related to the employee as spouse, parent (including step, in-law, and adoptive parents), child (including step, in-law, and adoptive children), sibling (including step, in-law, and adoptive), uncle, aunt, first cousin, nephew, niece, half-brother, or half-sister. The term also includes any individual with whom the employee is currently engaged in a romantic or physical relationship.
2. *University Official:* For purposes of this regulation, the term means any University employee authorized to make employment-related recommendations or decisions about hiring, promotion, transfer, reclassification, compensation, benefits, work assignments, performance evaluations, training courses and programs, demotion, layoffs, return from layoff, termination, and all other tangible aspects of employment.

C. PROHIBITED SUPERVISORY RELATIONSHIP

It is the University’s practice to prohibit a University Official from having a supervisory role over any employee who is a Related Person of the University Official. A supervisory role shall include any situation in which the University Official would be in a position to make decisions concerning the terms and conditions of the person’s employment with the University. An employee shall be considered to have a supervisory role over his or her Related Person even though they are separated by intermediary positions. Supervisory relationships must also be also consistent with FGCU Policy 1.007, Consensual Relationships.

D. EXCEPTIONS TO BE AUTHORIZED

Waiver requests shall be submitted to the respective Vice President or, if the employing department head is a presidential direct report, to the President or designee for approval, prior to an offer of employment being made. The President or relevant Vice President shall determine whether a conflict of interest will occur if the relative is employed and provide written

notification of the approval or disapproval of the request to the employing department head and Chief Human Resources Officer. The President shall approve or disapprove any request involving a person related to a Vice President or a presidential direct report.

E. VIOLATIONS AND PENALTIES

1. In the event a related person covered by this regulation is hired without prior approval, whether through intentional or unintentional failure to disclose a conflicting relationship, the related person hired may be subject to one or more of the following actions: transfer, reassignment, and/or disciplinary action including dismissal.
2. No employee shall attempt to influence the supervisor of a related person with regard to a term or condition of the related person's employment. A violation of this regulation shall result in disciplinary action pursuant to applicable University Regulations and the terms of any applicable collective bargaining agreement.

Authority

BOG Regulation 1.001(5), University Board of Trustees Powers and Duties

History of Regulation

New 01/15/08; Amended 06/17/08; Amended 10/21/08; Amended 01/14/20

Approved by Florida Gulf Coast University Board of Trustees

January 14, 2020