



## Ohio Administrative Code Rule 3337-40-107 Nepotism.

Effective: July 1, 2022

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### (A) Overview

Ohio ethics law and the related statutes found in the Revised Code generally prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members. The purpose of this policy is to ensure the hiring and supervision by and within the university is conducted in compliance with the Ohio ethics laws and in a manner that enhances public confidence in the university, prevents situations which give the appearance of partiality, preferential treatment, improper influence, and conflict of interest.

Relationship by family, marriage, or domestic partnership will not preclude hiring, promotion, or transfer, as long as the individual meets and fulfills the appropriate appointment standards. This policy provides guidance regarding the initial employment of family members and influencing employment of, or employment decisions regarding, family members. This policy also applies to situations where there is a change in family status for employees after employment. For example, the marriage of a supervisor to a supervisee would be a change in status that would cause the parties to be subject to this policy.

### (B) Definitions

"University employee" means any person who is appointed to or is an employee of Ohio university, regardless of the source of funding for the employee's position. University employee applies to all forms of employment by Ohio university, including regular and term, full- and part-time appointments to administrative, classified, research, and bargaining unit positions, to overload contracts, to graduate appointments, and to graduate and undergraduate student employment (including employment under the program to aid career exploration, "PACE," and federal work study, "FWS," programs), and courtesy appointments.

"Family member", for purposes of this policy only, includes but is not limited to the following:



spouse, domestic partner, children (biological, step, adopted, or foster), legal wards, siblings, parents, grandparents, grandchildren, uncles, aunts, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, and other persons related by blood, adoption, or marriage.

"Supervision" means the direct ability to affect, or the power to effectively recommend, the hiring, renewal, evaluation, assignment of duties, establishment or adjustment of compensation and benefits, transfer, suspension, layoff, recall, promotion, discharge, reward, discipline, or settlement of the disciplinary grievances or appeals of another university employee.

(C) Hiring of family members

All university employees are prohibited from recommending, nominating, authorizing, or using the authority or influence of their position to secure the authorization of employment, for a family member.

(D) Supervision of family members

No university employee shall supervise any family member or participate (formally or informally) in any decision, or use their position to secure any decision, which affects the continuation, implementation, or terms and conditions of a family member's employment, nor provide direct approval of a family member's time sheets or payroll.

(E) Allowable and alternative arrangements

(1) Permitted circumstances

Nothing in this policy prohibits two family members from being hired and working for the university, even within the same department, provided all parties comply with the terms of this policy. The following circumstances are permitted by this policy:

(a) A family member is not prohibited from obtaining employment within the same department as a result of hiring, bumping, displacement, recall, promotion, appointment, or some other non-discretionary personnel action. Employment within the same department may also occur when a



marital or other significant relationship develops subsequent to the employee's employment with the department. The family members are not prohibited from continuing to work for the university or specific department.

(b) A supervisory employee is not prohibited from working in the same department as a family member, provided the supervisory employee does not participate in the hiring of the employee and alternative arrangements have been made ensuring the avoidance of a direct line of supervision.

(c) A university employee is not prohibited from approving a union contract when their family member is a member of the union, unless the relative serves as a union officer, board member, or on the union negotiating team.

(d) A university employee is not prohibited from participating in general decisions that impact classes of employees, one of whom is a family member (e.g., unit- or university-wide decisions regarding salary increases, layoffs, changes in benefits, etc.).

(e) A university employee is not prohibited from participating in a general budgetary appropriation that includes money to fund a family member's compensation and benefits, or from participating in budgetary appropriations to a department that employs a family member.

## (2) Alternate arrangements

University employees who are not family members as defined above, but who are in a close personal relationship, may be requested to use the provisions of this subsection in order to avoid any appearance of impropriety or conflict of interest.

The provisions of this subsection shall be followed whenever a subordinate supervisor would supervise the family member of their supervisor.

(a) University employees must notify their supervisor if any family member applies for a position for which they will be responsible or may influence the employment actions as detailed in this policy. Family members must delegate authority to other parties or recuse themselves from hiring-related decisions regarding their family members.



(b) Internal applicants are required to self-disclose, at the time of application, if the position for which they are applying reports to or supervises a family member.

(c) In instances where family members are working and supervising within the same department, alternative arrangements must be taken to eliminate the appearance of impropriety and conflict of interest. Alternative arrangements shall include removing the responsibility or influence to hire, and removing the opportunity and obligations of directly supervising family members. This includes relationships that are post-hire. Alternative arrangements shall be fully documented in the "Workplace Alternative Arrangement Agreement" detailed below.

(d) The employing unit must submit a "Workplace Alternative Arrangement Agreement" for review to university human resources, the office of the provost, and the division head. University human resources, the office of the provost, and the division head may alter or modify the "Workplace Alternative Arrangement Agreement" submitted by the employing unit. The "Workplace Alternative Arrangement Agreement" must be maintained in the personnel files of all impacted employees.

### (3) Review process

Employees impacted by a "Workplace Alternative Arrangement Agreement" may seek review of the terms and conditions of the agreement from the planning unit head. Said employees shall submit their request in writing to the planning unit head, with a copy to university human resources. The planning unit head shall review all information submitted and render a final and binding decision regarding the "Workplace Alternative Arrangement Agreement." The final decision shall be given to the employee, university human resources, the office of the provost, and the division head. The updated "Workplace Alternative Arrangement Agreement" shall be filed in the personnel files of all impacted employees, with a notation that it supersedes any prior version

### (4) Public records

All versions of the "Workplace Alternative Arrangement Agreement" filed in the personnel files are subject to release under the provisions of policy 40.007.



(F) Appointments

Appointment of family members to a position, and on-going employment decisions, shall be made in accordance with all applicable policies and guidelines, and collective bargaining agreements, including the following:

(1) Policy 20.110

(2) Policy 40.057

(3) Policy 40.106

(4) "Faculty Handbook," section II-R, "Policy on Consensual and Familial Relationships in the Instructional Setting," and section II-S, "Consensual and Familial Relationships."

(G) Scope

This policy supersedes any and all policies and guidelines regarding matters of nepotism, except that this policy applies to faculty appointments only to the extent that no contrary provision is included in the "Faculty Handbook."

(H) Violations

Any employee who believes this policy has been violated should contact university human resources at (740) 593-1636, the office of equity and civil rights compliance, the office for equal opportunity and accessibility, or the university ombuds office.