

NOTICE OF REGULATORY ACTION

May 16, 2008

REGULATION TITLE:

Nepotism

REGULATION NO.:

FGCU-PR5.010

SUMMARY:

The regulation, Nepotism, is being updated to reflect changes of nomenclature (rule to regulation) and changes in current practice.

FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

LAW IMPLEMENTED:

Section 112.3135, Florida Statutes

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Director, Human Resources

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Vice President of Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

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ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE JUNE 2, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: MAY 16, 2008

~~PR6C10~~-5.010 Nepotism

(1) Definitions.

(a) ~~Related Persons -- f~~For the purposes of this ~~rule~~ regulation only, with respect to a University employee, a "related person" ~~or "relative"~~ means an individual who lives in the same residence as ~~and maintains an intimate personal relationship with~~ the employee or is related to the employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(b) In some circumstances, an individual's relationship with another person can give rise to an actual or apparent conflict of interest, therefore it is the responsibility of the current employee and/or applicant to disclose the relationship prior to acceptance of an offer of employment.

(~~b~~c) Conflicts of Interest - for the purpose of this ~~rule~~regulation, a conflict of interest arises when a related person participates in making recommendations or decisions specifically affecting the appointment, retention, tenure, multi-year contract, work assignments, evaluations, promotion, demotion, or salary of his or her relative, or any attempt to influence a

relative's supervisor with any regard to matters concerning that relative.

(~~ed~~) Organizational Unit - for the purpose of this ~~rule~~regulation, means a department.

(2) General. Employment of related persons at the University is allowed where there is no direct supervisory responsibility between ~~relatives~~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. An employee shall be considered in the direct supervisory line of his or her ~~relative~~related person even though they are separated by intermediary positions.

(3) Procedures for Approval. A written request for the employment of related persons in the same organizational unit or in job-related organizational units shall be submitted by the employing department head to the respective Vice President for approval, prior to the offer of employment. ~~The request must document why recruitment efforts were unable to identify a qualified non-related applicant to fill the vacant position or contain justification for requesting exception to this rule.~~ The 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 department head and Director of Human Resources. The President shall approve or disapprove any request involving a person related to a Vice President.

(4) Violations and Penalties.

(a) In the event a related person covered by this ~~rule~~ regulation is hired without prior approval, whether through intentional or unintentional failure to disclose a conflicting relationship, the related person hired ~~may~~will be subject to one or more of the following actions: transfer, reassignment, and/or disciplinary action including dismissal.

(b) 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 ~~rule~~ regulation shall result in disciplinary action pursuant to applicable University Regulations ~~Rules 6C10-5.016 and 6C10-5.022~~ and the terms of any applicable collective bargaining agreement.

~~Specific Authority 240.227(1), FS. Law Implemented 240.227(5), 240.227(19) FS. History -- New 4-17-97.~~

Action by Florida Gulf Coast University Board of Trustees:

Approved: 06/17/08

Law Implemented:

112.3135 Florida Statutes

History of Rule:

New 04/17/97

History of Regulation:

New 06/17/08

Effective Date of Regulation:

06/17/08