

FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

September 12, 2008

REGULATION TITLE:

Nepotism

REGULATION NO.:

FGCU-PR5.010

SUMMARY:

The regulation, Nepotism, is being updated to reflect 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:

Law Implemented: §112.3135, Florida Statutes

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Director Human Resources

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Vice President for Administration and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

Diane St. John, Administrative Assistant, dstjohn@fgcu.edu; (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE SEPTEMBER 26, 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: SEPTEMBER 12, 2008.



REGULATION: FGCU-PR5.010

Nepotism

Effective
Date of
Regulation:
06/17/08

(1) Definitions.

(a) 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 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.

(c) Conflicts of Interest - for the purpose of this 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.

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

(2) General. 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. An employee shall be considered in the direct supervisory line of his or her 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 or if the employing department head is a non Vice President direct report, the President or designee for approval, prior to the offer of employment. The Vice President or in cases involving a non Vice President direct report, the President or designee 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 Director of Human Resources. The President shall approve or disapprove any request involving a person related to a Vice President or a non Vice President Direct Report.

(4) Violations and Penalties.

(a) 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.

(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 regulation shall result in disciplinary action pursuant to applicable University Regulations and the terms of any applicable collective bargaining agreement.

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 01/15/08, Amended 06/17/08, _____

Effective Date of Regulation:

~~06/17/08~~ _____