

PART XI. NEPOTISM POLICY

Tulane University's standards for employment decisions such as hiring, promoting, reappointing, evaluating, awarding salary and terminating employment are based on qualifications for the position, ability and performance. The University attempts to avoid favoritism and the appearance of favoritism and conflicts of interest in employment decision and reserves the right to take action when relationships of associations of employees impact its mission. It is against University policy for an employee to supervise a relative or to work in positions that have an audit or control function over a relative except in circumstances as indicated below.

The employment of relatives is permissible if the following general principles are applied. For purposes of this policy, "Relatives" means a connection between persons by blood, marriage, adoption, domestic partnership, or other personal relationship including co-habitation.

Employment of relatives in the same unit or department or under the same supervisor is authorized only with the prior written approval of the head of the unit or department and the Office of the Provost for faculty members on the uptown campus, office of the Senior Vice President for Health Sciences for faculty members of the Medical Center or the Office of Human Resources for all staff members, as appropriate. In addition, Relatives should not participate in activities that have the potential for influencing employment decisions.

General Principles:

1. To avoid possible conflicts of interest, any dean, director, department head, chairperson, supervisor or participant in peer or administrative review procedures who is a Relative of an employee or job applicant must not participate either formally or informally in decisions (including rendering advice on decisions) on personnel matters affecting the Relative, including, but not limited to decisions to hire, retain, promote or determine salary.
2. In cases where an employee would have primary responsibility for supervision, evaluation of assignment of duties to a Relative, an appropriate individual must be designated by a higher level administrator (e.g., dean, director, department head, provost, vice president, president) to perform the functions of such employee in the decisions to hire, retain, promote, assign duties or set the salary of the individual "related" to the employee.
3. Within the limitations set forth above, individuals "related" to other Tulane University employees have the general rights extended to employees in comparable positions. For example, a faculty member has the right to serve on a departmental peer review committee even though a Relative will be considered by the Committee. The faculty member, however, would not participate in the review of the Relative. However, this policy has no effect upon the administration of employee benefit plans and creates no contract rights to employees.
4. Supervision and evaluation procedures, even when altered as described above, should ensure comparable treatment of employees.

5. In circumstances which have the potential for the conflicts of interest referenced in item #1 above, individuals have the responsibility for disclosing that a conflict of interest may exist to the dean, director, department head or other relevant administrator and to other affected employees prior to making any employment decisions. The specifics of the potential conflict do not have to be provided.

Decisions about individual cases should be made on the basis of these principles. In cases where the application of a principle is disputed, the administrator at the next level may be asked to assist in resolution. If resolution cannot be achieved, an employee can follow the established procedure for filing a grievance. The President shall have final approval regarding application of the general principles to particular cases. Not every relationship that can create favoritism or the appearance of favoritism can be listed here. Whenever an employee enters into a relationship with another employee, s/he should ask whether there may be favoritism or the appearance of favoritism or whether an audit or control function may be compromised.

PART XII. POLICY ON CONSENSUAL RELATIONSHIPS

Preamble

Interactions between the students of Tulane University and those administrators, faculty and staff who have institutional authority over them are to be guided by mutual trust, confidence, and professional ethics. Any consensual relationship between a student on the one hand and any faculty member, administrator, or staff member on the other has the potential to put these values at risk. Likewise, familial or collegial relationships (such as holding a position of authority over one's children, one's colleagues, or family members of colleagues) may lead to the reality or the perception of bias. The University calls the attention of all members of the university community to these dangers, and notes the appropriateness of existing grievance procedures for dealing with abuses that may arise in all these situations. In this policy, the University wishes to deal with the specific issue of consensual relationships in which one of the parties holds a position of authority over the other. The power differential characterizing such relationships creates the risk of conflicts of interest, violations of trust, abuses of power, and breaches of professional ethics. The Policy on Consensual Relationships is intended to guard against such risks while protecting the rights of all parties. Acts or allegations of harassment shall be handled in accordance with the University's Harassment Policy, which shall take precedence over this policy with respect to such acts or allegations. Acts or allegations regarding nepotism shall be handled in accordance with the University's Nepotism Policy, which shall take precedence over this policy with respect to such acts or allegations.

A. Policy

Those employed by Tulane University shall not engage in consensual relationships with students relative to whom they hold a position of authority (see definition below) in such matters as instructing or otherwise evaluating, supervising, or advising the student as part of any school program or activity, whether academic or non-academic. Should a consensual relationship develop between a person in a position of authority and a student, the person in authority shall immediately remove him or herself from such position of authority. The greater responsibility for termination of the position of authority rests with the person in authority. However, all members of the Tulane community bear a responsibility. Persons in authority with no professional responsibilities for a student should be sensitive to the perception that consensual relationships may lead to preferential treatment. If the person in authority or the student declines to dissolve the institutional relationship, the University will take steps to do so.

B. Definitions

1. Persons in authority include, for the purposes of this policy only, those who supervise, advise, teach, coach, evaluate, allocate financial aid to, and/or guide research by students, be they:
 - a. Faculty members
 - b. Graduate students

- c. Staff members, or
- d. Administrators.

2. Students are defined as all full- or part- time students enrolled in any academic division of Tulane University .

3. A consensual relationship is defined as any consensual dating, romantic, sexual, or marriage relationship.

4. Position of authority includes, but may not be limited to, situations in which the individual makes or is responsible for an evaluation of a student for admission, course-work, student employment or internship, promotion, financial aid, research funding, suspension, expulsion, or other discipline. (Those providing instruction without evaluation are not necessarily in positions of authority. This is reviewed on a case by case basis by the academic officer to whom the individual reports.)

C. Procedures

When a consensual relationship exists or develops, the position of authority over the student must be avoided or immediately terminated. Avoidance or termination includes, but is not limited to:

1. a qualified alternative faculty, staff member, or administrator taking the position of authority in non-course-based academic work or student employment;
2. the student not enrolling in a course, dropping a course, or transferring to another course or section taught by another individual;
3. transferring to another person the authority over any benefit(s) for which the student is eligible.

An allegation that a person in authority has failed to avoid or terminate a position of authority when a consensual relationship has developed will be referred in writing to the Office of the Dean of the division in which the student is enrolled. The person making a complaint (hereinafter the complainant) may be a faculty or staff member or a student; the complaint and all supporting evidence and information must be given in writing. Once an alleged violation of this policy has been reported, the written complaint shall be reviewed by the associate dean of the division of the accused student to confirm that the charge being made falls within the scope of this policy and that all initial documentation has been prepared. The associate dean shall consult with the complainant and the cited student if necessary to ascertain what witnesses should be called in the hearing, and to make sure that all concerned understand the workings of this policy. The associate dean shall also inform the cited student of his or her rights under this policy, including the right to be accompanied to the hearing by a counselor/advisor. This initial review shall take place if possible within two (2) working days of the time when the formal charge is made. If, in the considered opinion of the associate dean, the charge is improper and should not be taken to a

hearing, that decision shall be communicated to the Dean of that division and then to the complainant, who retains the right to have the associate dean's decision reviewed by the chair of the Senate Committee on Academic Freedom and Responsibility of Students and a designated faculty member and student from that committee. The reviewers may set aside the associate dean's decision. If the charge is brought to a hearing, all parties to the case on either side shall be allowed four (4) working days to review all the written documents before the date set for the hearing. In the case of a faculty member, the hearing body is the faculty grievance committee of the faculty member's division. In the case of a graduate student teaching assistant, the hearing will be conducted by the department chair and the Dean of the Graduate School . In the case of a staff member, the procedure outlined for staff in Section 8, "Standards of Conduct" of the Staff Handbook under the subheading Grievance Procedures will be followed. In the case of an administrator, the hearing will be conducted by the person to whom the administrator reports. Within seven (7) working days of receiving the complaint, the designated body or officer of the university shall have completed the hearing and arrived at a finding concerning whether a consensual relationship exists. The finding will be communicated to both parties and the

Office of the student's Dean. If the finding is that a consensual relationship exists and neither of the parties agrees to termination of authority, the appropriate officer of the university shall terminate the position of authority between the two persons. In the case of a faculty member, the divisional grievance committee will inform both parties and the Office of the student's Dean of its findings. If the committee recommends the termination of the position of authority, the committee will refer its recommendation to the office of the student's dean. The Office of the student's Dean will immediately implement the committee's recommendation. In the case of a graduate student instructor, this will be the Dean of the graduate student instructor's division. In the case of a staff member, this will be the individual outlined in Section 8, "Standards of Conduct," of the Staff Handbook. In the case of a student declining alternative instruction, this will be the Office of the student's Dean. In the case of a student declining alternative supervision of non-instructional academic work (such as thesis readership, etc.) this will be the department chair. In the case of a student declining alternative work supervision, this will be the individual at the next supervisory level. In the case of an administrator, this will be the person to whom the administrator reports. In the case of the President of the University, this will be a full session of the Board of Administrators.

D. Objectivity

The complainant and the cited parties are entitled to an investigation conducted by an impartial investigator. Thus, if any person charged with overseeing or investigating complaints is implicated in the complaint, or has any personal issue that would cause a conflict of interest, he or she shall recuse him or herself from the proceeding.

E. Notice of Outcome

No more than two (2) working days after a decision has been reached, the appropriate officer of the university shall notify the parties to the proceeding, in writing, of the findings and the outcome of the investigation.

F. Appeals

Appeals must be made within five (5) working days of the receipt of the written notice of the investigation. Where the accused is a faculty member, any appeal must be filed in writing with that faculty member's dean and with the University Senate Committee on Faculty Freedom, Tenure, and Responsibility. FTFR will review appeals in accordance with the grievance procedures described in the University Senate Constitution, By-Law III (Standing Committees), Section 1 (Committee Functions): Committee on Faculty Tenure, Freedom, and Responsibility: Functions. Where the accused is a student, the appeal shall be reviewed in accordance with the appeals procedures described in the Code of Student Conduct. Where the accused is a staff member or an administrator, the President of the University shall review appeals, according to the procedure set forth in Section 8, "Standards of Conduct," of the Staff Handbook. Where the accused is an administrator, a committee of the Board of Administrators shall review appeals. When the accused is the President of the University, the full Board of Administrators shall review appeals.

G. False Allegations

Persons who knowingly make false allegations that a consensual relationship coexists with position of authority shall be subject to appropriate sanctions based on the severity of the conduct and in accordance with the provisions of applicable statutes, employment contracts, university policies, disciplinary procedures for faculty as described in the Faculty Handbook, disciplinary procedures for staff as described in the Staff Handbook and disciplinary procedures for students as described in the Code of Student Conduct and other student discipline codes. If the complainant is found guilty of making a false allegation, a letter is to be placed in the complainant's permanent file containing that finding.

H. Faculty Rights

Nothing herein shall abridge the rights of faculty as outlined in the Tulane University Faculty Handbook.

I. Dissemination of Policy

This policy will be distributed to all faculty, staff, students, administrators, and will be made available to anyone else connected with Tulane University . All Tulane University employees and students who subsequently become part of the educational community shall be informed of this policy during their orientation. This policy may be revised from time to time (See J. Revisions to Policy below) and such revisions will be posted on the University's official website. Any incident reported under this policy will be governed by the policy posted on the website at the time of the incident.

J. Revisions to Policy

Proposed revisions to this policy will be presented to the University Senate for approval or disapproval.