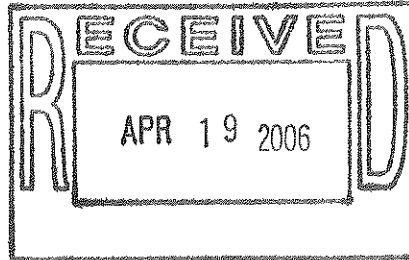




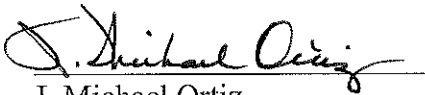
Memorandum



Date: April 14, 2006

To: Francis Flores
Chair, Academic Senate

cc: Cabinet
Deans
AVPs

From: 
J. Michael Ortiz
President

Subject: AS-2120-034/FA – Policy on Hiring of Immediate Relatives/Partners by Supervisors

I agree with the Academic Senate that our campus policy on nepotism needed to be revised. When the Senate submitted their report to my office, the Chancellor's Office was also in the process of revising the CSU policy on nepotism. The Senate's recommendation was based largely on the old CSU policy FSA 78-19 but updated to include a broader definition of "close relative". The CSU policy FSA 78-19 has since been updated and is superseded by HR 2004-18. The new CSU policy broadens the definition of "immediate family member" to include registered domestic partner. The new CSU policy also addresses the need for special provisions when an individual will be assigned to a position under the supervision of an immediate family member or assigned to work for the same immediate supervisor as another immediate family member.

In light of the revised systemwide policy, I am accepting the systemwide policy as our campus policy as indicated in the attachment rather than the policy drafted by the Academic Senate.


I am directing Pat Farris, Vice President, Academic Affairs, to update section 301.11 of the University Manual to reflect this change and to communicate the revision to the campus.



Memorandum

DATE: April 28, 2006

TO: Hassan Halati, Chair
Faculty Affairs Committee

FROM: 
John T. Self, Vice Chair
Academic Senate
George P. Hart Academic Senate Offices

SUBJECT: AS-2120/034/FA, Policy on Hiring of Immediate
Relatives/Partners by Supervisors

The Executive Committee is returning the President's response to AS-2120-034/FA, Policy on Hiring of Immediate Relatives/Partners by Supervisors dated April 14, 2006 to the Faculty Affairs Committee for further consideration. The Faculty Affairs Committee should review the President's action in accordance with the procedures outlined in the Bylaws, Article VII, Section 1(G).

The Faculty Affairs Committee should also carefully review and reconcile the policies referred to in the response. They should look at the hierarchy of the two policies and align the CSU policy and the Cal Poly policy.

If you have an questions, contact the Senate Office.

CAL POLY POMONA

301.11 Policy on Hiring of Immediate Relatives/Partners

It is the policy of the Cal Poly Pomona to seek for its administrators, instructional faculty, and support staff the most qualified candidates through appropriate search procedures preceding each appointment and promotion. There shall be no bars to the appointment of immediate family members in administrative, faculty or staff employment categories, in the same or different units or departments so long as the following standard is met:

No Cal Poly Pomona employee shall vote, make recommendations or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, evaluation, retention, tenure, compensation, promotion, termination, other employment status or interest of an immediate family member as defined below.

In each of the following circumstances, special written provisions must be prepared for review and approval by the head of the organizational unit (e.g. Dean or Director) before an individual may be appointed: (1) If the individual is to be assigned to a position under the supervision or control of an immediate family member who has or may have a direct effect on the individual's progress or performance; or (2) If the individual is to be assigned to work for the same immediate supervisor as another immediate family member.

The special written provisions shall include a plan to ensure that personnel matters including evaluation, retention, tenure, promotion, wages, hours and other terms and conditions of employment, will not be decided based on the relationship as an immediate family member. The plan should provide that the head of the organizational unit is to review all decisions on personnel matters. In those cases where related employees will be working for the same immediate supervisor, the plan should include steps to be taken to alleviate any pressures toward favoritism that could occur as a result of supervising members of the same immediate family. The head of the organizational unit shall be responsible for investigating concerns about conflicts of interest or favoritism involving members of the same immediate family.

Regarding financial matters, the California State University is covered by the Financial Integrity and State Manager's Accountability Act (FISMA, Government Code §13400 et seq.), which requires separation of duties for financial transactions. These requirements can be found in the State Administrative Manual (SAM, chapter 8080).

For the purposes of this policy, "immediate family member" is defined as a close relative including: parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew, niece, first cousin, spouse, registered domestic partner, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, and by guardianship and/or adoption or a person residing in the immediate household except live-in household employees or roomers.

Relatives of domestic partners shall be treated as relatives of spouses.

Based on the California State University Nepotism Policy contained in Coded Memorandum HR 2002-18.


THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, CA 90802-4210
(562) 951-4425

Code: HR 2004-18

Date: June 28, 2004

Supersedes: FSA 78-19

To: CSU Presidents

From: Jackie R. McClain 
Vice Chancellor
Human Resources

Subject: Revised CSU Nepotism Policy

It is the policy of the California State University to seek for its administrators, instructional faculty, and support staff the most qualified candidates through appropriate search procedures preceding each appointment and promotion. There shall be no bars to the appointment of immediate family members in administrative, faculty or staff employment categories, in the same or different units or departments so long as the following standard is met:

No CSU employee shall vote, make recommendations or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, evaluation, retention, tenure, compensation, promotion, termination, other employment status or interest of an immediate family member as defined below.

In each of the following circumstances, special written provisions must be prepared for review and approval by the head of the organizational unit (e.g. Dean or Director) before an individual may be appointed: (1) If the individual is to be assigned to a position under the supervision or control of an immediate family member who has or may have a direct effect on the individual's progress or performance; or (2) If the individual is to be assigned to work for the same immediate supervisor as another immediate family member.

The special written provisions shall include a plan to ensure that personnel matters including evaluation, retention, tenure, promotion, wages, hours and other terms and conditions of employment, will not be decided based on the relationship as

Distribution:

Chancellor
Associate Vice Presidents/Deans of Faculty Affairs
Vice Presidents, Administration
Vice Presidents, Academic Affairs

Human Resources Directors
Benefits Officers
SOSS Director

an immediate family member. The plan should provide that the head of the organizational unit is to review all decisions on personnel matters. In those cases where related employees will be working for the same immediate supervisor, the plan should include steps to be taken to alleviate any pressures toward favoritism that could occur as a result of supervising members of the same immediate family. The head of the organizational unit shall be responsible for investigating concerns about conflicts of interest or favoritism involving members of the same immediate family.

Regarding financial matters, the California State University is covered by the Financial Integrity and State Manager's Accountability Act (FISMA, Government Code §13400 et seq.), which requires separation of duties for financial transactions. These requirements can be found in the State Administrative Manual (SAM, chapter 8080).

For the purposes of this policy, "immediate family member" is defined as a close relative including: parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew, niece, first cousin, spouse, registered domestic partner, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, and by guardianship and/or adoption or a person residing in the immediate household except live-in household employees or roomers.

Relatives of domestic partners shall be treated as relatives of spouses.

Campuses may enact policies that set reasonable restrictions on an individual's capacity to function as a judge or advocate in specific situations involving a member of his/her immediate family. However, consistent with applicable law, any such restriction cannot have the effect of denying any equal employment opportunity.

Exceptions to this policy are at the discretion of the President or the Chancellor for the Office of the Chancellor.

If you have any questions, please contact Employee Relations at (562) 951-4421.

This Human Resources memorandum is also available on Human Resources Administration's Web page at: <http://www.calstate.edu/HRAadm/memos.shtml>.

JRMcc/ms

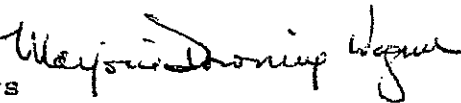
THE CALIFORNIA STATE UNIVERSITY AND COLLEGES
Office of the Chancellor
400 Golden Shore
Long Beach, California 90802
(213) 590-5604

Code: FSA 78-19
(Supersedes FSA 73-80)

Date: March 8, 1978

To: Presidents

From: Marjorie Downing Wagner
Vice Chancellor
Faculty and Staff Affairs



Subject: Revised Policy on Nepotism

It is the policy of the CSUC to seek for its Administrators, Instructional Faculty and Support Staff the best possible candidates through appropriate search procedures preceding each appointment and promotion. There shall be no bars to the appointment of close relatives in administrative, faculty or staff employment categories, in the same or different units or departments so long as the following standard is met.

No CSUC employee shall vote, make recommendations or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, retention, tenure, compensation, promotion, termination, other employment status or interest of a close relative.

For the purposes of this policy, "close relative" is defined as husband, wife, mother, father, son, daughter, sister and brother.

(Over)

Distribution:

Vice President, Academic Affairs
Vice President, Administration
Business Manager
Personnel Officer
Affirmative Action Officer
Chancellor's Office Staff

FSA 78-19
March 8, 1978
Page Two

Campuses should be aware of the fact that regulations "which set reasonable restrictions on an individual's capacity to function as a judge or advocate in specific situations involving a member of his or her immediate family are permissible where they do not have the effect of denying equal employment opportunity to one sex over the other."

HLC:ep