

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Nepotism

NUMBER: 4:22

This policy governs the supervision of close relatives by employees. For purposes of this policy, close relatives are: spouses, children (whether natural or adopted), mothers, fathers, mothers-in-law, fathers-in-law, daughters-in-law, sons-in-law, brothers, sisters, grandparents, grandchildren, stepchildren or stepparents, and other persons where circumstances establish the existence of close bonds of affection characteristic of the foregoing relationships.

1. Close relatives may be employed in the same or different departments of the Board of Regents and the institutions placed under its control. Employees may not supervise a close relative. Where necessary to protect the interests of such close relatives, alternative supervisory arrangements may be made as provided in paragraphs (2) and (6) below.
2. The fact that employees are close relatives of other employees in the same or different department shall not be used as a basis for denying them the rights, privileges or benefits of regular appointment or regular job status; provided that, close relatives may not be allowed to take positions that will require them to supervise or to be supervised by other close relatives unless the institution is able to transfer supervisory responsibilities to a senior administrator.

An institution may decline to transfer supervisory responsibility to a senior administrator where the nature or scope of the supervisory responsibilities would prevent the senior administrator from providing the degree of supervision needed to operate the workplace effectively and to assure other employees that the close personal relationship will not result in favoritism.

3. Employees shall not participate in institutional decisions involving a direct employment benefit to a close relative. Employees whose duties relate solely to the performance or review of procedural measures involved in reaching such decisions may continue to perform such functions, but they shall not participate in the substantive deliberative process through which the decision is reached. Such decisions include, but shall not be limited to, initial appointment, retention, promotion, tenure, salary and leave of absence.
4. The Board of Regents and the institutions placed under its control reserve the right to reassign employees or duties when deemed a prudent business or management practice.
5. A close family relationship shall not be used as a basis for denying a student the rights, privileges or benefits of access to academic resources.

6. Employees shall not participate in institutional academic decisions involving a direct benefit to close relatives. Alternative arrangements for academic decisions must be made for close relatives.
 - a. Academic decisions include, but are not limited to, acceptance to an academic program, evaluation of the honors, masters or doctoral thesis, and recommendations to the institution for awards, employment, promotion or tenure.
 - b. This policy shall not be interpreted to restrict the rights of students to enroll in classes taught by close relatives. In such cases, the close relative faculty members shall be responsible for making those academic decisions normally incident to their instructional duties.

SOURCE: S.D. Const. art. VIII, § 17, art. XI, § 11, art. XIV, § 3; SDCL §§ 3-16-7, 5-23-14; BOR, Oct. 1992; BOR, December 2003.