



TOURO COLLEGE POLICY MANUAL

POLICY ON EMPLOYMENT OF RELATIVES

1. Purpose

This document is intended to provide the policy regarding the employment of relatives/domestic partners within Touro College and the University System.

2. Scope

This policy applies to all faculty, employees, and administrators at all schools, departments and centers at Touro College and University system (hereinafter called “Touro”)

3. Responsible Executive:

Director of Human Resources.

4. Effective Date:

This Policy is effective as of April 1, 2012.

5. Policy

- a. Touro permits the employment of relatives of employees, subject to the conditions outlined within this policy. The term “relative” as used in this document includes parent, spouse, domestic partner, child (natural, adopted, or legal guardianship), brother, sister, first-cousins, nephew/niece, step-relations within the preceding categories, other household member, or other individuals related by affinity¹.
- b. Your relatives (as defined in (a) above) may be hired by Touro and can work at the same location unless any of the following apply:

¹ Affinity exists in the following relationships, including but not limited to: (1) when two individuals are married to each other; (2) the spouse, domestic partner, or significant other of one of the individuals is a blood-relative in the immediate family (i.e. grandparent, parent, sibling, child, grandchild, first-cousin, nephew/niece and any step-relations within the preceding categories) of the other individual; or (3) such other unique relationship that would have or tend to create a conflict. The ending of relationship by divorce, death or separation may not end a relationship by affinity created by that marriage, even more so when a child of that relationship is living, in which case the relationship is considered to continue as long as said child of that relationship is alive.

- 1) You are directly supervising the relative.
 - 2) You are ultimately responsible for a relative where the relationship could affect the immediate supervisor's ability to objectively manage, direct or evaluate the employed family member or other household member.
 - 3) Relatives are employed in positions that may cause situations involving favoritism, undue influence or a breach of confidentiality.
 - 4) You are in a position to approve the appointment of a relative to a Touro position.
- c. Existing relationships, if any, must be disclosed and will be reviewed and considered by Human Resources.² See Exhibit A. Such disclosure must be submitted to Human Resources within ten business days of the effective date of this Policy. Failure to disclose a relationship may result in sanction, up to and including dismissal.

6. Procedures

- a. All prospective employees must complete and submit an employment questionnaire to Human Resources during the new hire process, which will require the prospective employee lists all relatives (as defined above) currently employed at Touro College.
- b. With regard to current employees, if any of the situations described above exists at the time this policy takes effect they must notify the Director of Human Resources. Human Resources, in consultation with the Office of Institutional Compliance, will review the matter and consider what, if any, action is necessary.
- c. When, as a result of a management initiated promotion, transfer, reorganization, one of the above-listed conditions results, the affected employees have an obligation to bring the situation to the attention of your supervisor and Human Resources as soon as they become aware of such promotion, transfer or reorganization.
- d. When, as a result of an employee-initiated transfer, marriage or change in personal relationship one of the above-listed conditions results, the employee similarly must immediately report the situation to your supervisor and Human Resources.

² Situations involving relatives of Provosts, Executive, Senior or Vice Presidents must be approved by the Board upon recommendation of the President. Situations involving the Chancellor or President must be approved by the Board of Trustees.

- e. In the case of (c) or (d), Touro will make every reasonable effort to transfer one or the other of the related employees to a position which will permit his or her continued employment. Such a transfer must be arranged within a period of six months, after which one or the other of the related employees may be terminated if such a transfer has not taken place.

The decision as to which employee will be transferred will be at the sole discretion of Touro but will take into account the wishes of the employees involved, to the extent feasible. If, however, a mutually satisfactory decision cannot be made, Touro reserves the right to determine which employee is subject to transfer or termination based on business needs.

Special situations may arise in which exceptions to this policy may be desirable.

No relative of a member of the Senior Management (President, CEO, Senior or Vice Presidents, Provosts or Deans) may be employed in any capacity other than in an internship without the express approval by the President. Similarly, no relative of a current member of the Company’s Board of Trustees may be employed in any capacity other than in an internship without the express approval of the Chairman of the Board and the President.

7. Policy Management and Responsibilities

Director of Human Resources.

Date	Revision Required		Responsible Staff Name and Title
	Yes	No	
	Yes	No	
	Yes	No	
	Yes	No	
	Yes	No	

IMPORTANT DISCLAIMER

This policy does not form a contract. Touro reserves the right to amend, modify, supplement or revoke this policy, in whole or in part, at any time with or without notice in its sole discretion. This policy is neither written with the intent to, nor meant to, confer any rights or privileges on students, faculty, and/or staff or impose any obligations on Touro. As with all Touro handbooks, rules and policies, this policy is written for informational purposes only, may contain errors and may not be applicable to every situation or circumstance. Any dispute, claim or controversy arising out of or related to this policy, which is not resolved through Touro’s internal procedures (hereinafter, “Disputes”), shall be resolved exclusively through final and binding expedited arbitration conducted solely by the American Arbitration Association (“AAA”), or any successor in interest, in accordance with the AAA Rules then in effect. The location of the arbitration shall be at a convenient office on the Touro campus where the aggrieved individual is (or was last) affiliated.



TOURO COLLEGE POLICY MANUAL

POLICY STATEMENT ON CONSENSUAL RELATIONSHIPS

Consensual romantic or sexual relationships between supervisors and employees and between faculty or staff and students, though not illegal, are potentially exploitative and must be avoided. Such relationships raise serious concerns about the validity of the consent, conflict of interest, and unfair treatment of others.

The College's anti-nepotism policy precludes individuals from evaluating the work performance of others with whom they have intimate familial or close personal relationships, or from making hiring, salary, or similar financial decisions concerning such persons. The same principles apply to supervisor-employee, staff-student, or faculty-student relationships in the context of work or academic evaluation. Therefore no faculty or staff member involved romantically or sexually with a student may teach or supervise that person either individually or as part of a group in any activity connected to the College. In addition, a supervisor will be prohibited from evaluating an employee's job performance if he/she is romantically or sexually involved with that employee.

If, in the opinion of the College, a conflict arises as a result of a consensual relationship as described above, one of the employees may be transferred at the earliest practicable time, and if no suitable position is found, one of the individuals may be asked to resign.

Any member of the Touro College Community affected by this policy has the duty to self report. Such disclosure must be submitted to Human Resources within ten business days of the effective date of this Policy. If a relationship develops in the future, the employee is expected to immediately report the situation. Failure to disclose a relationship may result in sanction, up to and including dismissal. Please direct any questions about the application of this policy to the Director of Human Resources or the Office of Institutional Compliance. The Director of Human Resources has final authorization to interpret and implement this policy.

Date	Revision Required		Responsible Staff Name and Title
	Yes	No	
	Yes	No	
	Yes	No	
	Yes	No	

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Touro College & University System
Employment of Relatives Disclosure Form

Please check as appropriate:

I **am not currently related or related by affinity** to any other employee of Touro College & University System.

I **am related** by blood or marriage, which includes parent, spouse, domestic partner, child (natural, adopted, or legal guardianship), brother, sister, first-cousins, nephew/niece, step-relations within the preceding categories, other household member, or other individuals related by affinity, to the below listed individual(s) who is/are also employee(s) of Touro College & University System.

(Identify division and work location within Touro College & University System)

Name of Relative	Relationship	Department/work Location
_____	_____	_____
_____	_____	_____
_____	_____	_____

I acknowledge the information I have provided is accurate to the best of my knowledge. In the event a relationship by blood or marriage, as defined above, is created or modified at a future point, I shall report this change within 10 working days of its creation to the college Human Resources Department. I understand that failure to disclose relationships upon request is grounds for discipline or dismissal.

Applicant/Employee Name (Print)

Date

Applicant/Employee Signature